

IN THE WATER COURT OF THE STATE OF MONTANA
YELLOWSTONE DIVISION
LITTLE MISSOURI RIVER BASIN ABOVE LITTLE BEAVER CREEK (39F)
PRELIMINARY DECREE

* * * * *

CLAIMANT: Thomas Ranch Inc.

OBJECTOR: United States of America (Bureau of Land
Management)

CASE 39F-0109-R-2022

39F 26419-00	39F 27558-00
39F26427-00	39F 27559-00
39F 26430-00	39F 27560-00
39F 27555-00	39F 27561-00
39F 27556-00	39F 27562-00
39F 27557-00	39F 27564-00

NOTICE OF FILING OF MASTER'S REPORT

This Master's Report was filed with the Montana Water Court on the above stamped date. Please review this report carefully.

You may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusions of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days to be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

MASTER'S REPORT

Water Right Claim 39F 26419-00, 39F 26427-00, 39F 26430-00, 39F 27555-00, 39F 27556-00, 39F 27557-00, 39F 27558-00, 39F 27559-00, 39F 27560-00, 39F 27561-00, 39F 27562-00, and 39F 27564-00 appeared in the Preliminary Decree for the

Little Missouri River, above Little Beaver Creek (Basin 39F). Several of these claims received issue remarks. Issue remarks result from Department of Natural Resources and Conservation (“DNRC”) claims examination or by Water Court order. Claims examination confirms the historical use of water right claims and identifies issues with claims. If claims examination cannot confirm some aspect of a claim, an issue remark is added to the claim. These claims received objections filed by the United States of America (Bureau of Land Management).

The Court consolidated these claims into Water Court Case 39F-0109-R-2023 on January 18, 2022. The consolidation order set an initial status conference during which the parties could discuss how to proceed. The Court then set a settlement deadline.

Objector filed a stipulation on November 14, 2022. Various maps included with that stipulation are attached for the record.

FINDINGS OF FACT

1. Claim 39F 26419-00 appeared with the following issue remarks:

POINT OF DIVERSION AND MEANS OF DIVERSION WERE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

THE PLACE OF USE APPEARS TO NEED MODIFICATION BASED ON THE DNRC CORRECTION TO THE POINT OF DIVERSION. THE CORRECT PLACE OF USE LEGAL LAND DESCRIPTION APPEARS TO BE THE SWNWSW SEC 28 TWP 6S RGE 61E CARTER COUNTY.

2. Claim 39F 27556-00 appeared with the following issue remark:

DITCH NAME WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

3. Claim 39F 27557-00 appeared with the following issue remark:

MEANS OF DIVERSION WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION

ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

4. Claim 39F 27558-00 appeared with the following issue remarks:

RESERVOIR RECORD WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 3.6 TIMES THE CAPACITY OF THE RESERVOIR.

4. Claim 39F 27559-00 appeared with the following issue remarks:

THE OWNERSHIP OF THIS RIGHT MAY BE QUESTIONABLE. PART OF THE PLACE OF USE APPEARS TO BE ON FEDERAL LANDS.

POINT OF DIVERSION WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

THE CLAIMED POINT OF DIVERSION NO. 1 IS IN QUESTION. THE LOCATION OF THE DIKE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

THIS CLAIM APPEARS TO BE CLAIMING TWO SEPARATE SOURCES OF WATER. MORE THAN ONE WATER RIGHT MAY BE INVOLVED.

5. Claim 39F 27560-00 appeared with the following issue remark:

THE PRIORITY DATE MAY BE QUESTIONABLE, THE SOURCE DESCRIBED ON THE FILED NOTICE OF APPROPRIATION IS INCONSISTENT WITH THE CLAIMED SOURCE.

6. Claim 39F 27564-00 appeared with the following issue remarks:

POINT OF DIVERSION WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

THE CLAIMED POINT OF DIVERSION NO. 4 IS IN QUESTION. THE LOCATION OF THE DIKE CANNOT BE IDENTIFIED FROM THE AVAILABLE DATA.

THIS CLAIM APPEARS TO BE CLAIMING THREE SEPARATE SOURCES OF WATER. MORE THAN ONE WATER RIGHT MAY BE INVOLVED.

7. The United States objected to each-above captioned claim on the basis that the claim legal land descriptions incorrectly included federal land.

8. The parties agree that these claims should be modified as follows:

39F 26419-00

1. The place of use for claim **39F 26419-00** should be amended to the following (with changes in **BOLD** or ~~strikeout~~):

2.

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SWNWNWSW	28	6S	61E	CARTER

39F 26427-00

3. The maximum acres for claim **39F 26427-00** should be reduced to **119.00** acres.

4. The place of use for claim **39F 26427-00** should be amended to the following (with changes in **BOLD** or ~~strikeout~~):

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rg</u>	<u>County</u>
1	7.0		S2SE	22	6S	61E	CARTER
2	42.00 40.00		SWS2SW	23	6S	61E	CARTER
3	46.00 40.00		NWN2NW	26	6S	61E	CARTER
4	32.00		NENE	27	6S	61E	CARTER
Total:	127 119.00						

39F 26430-00

5. The maximum acres for claim **39F 26430-00** should be reduced to **1011.15** acres.

6. The place of use for claim **39F 26430-00** should be amended to the following

(with changes in **BOLD** or ~~strikeout~~):

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rg</u>	<u>County</u>
1	5.00		SESE	33	6S	61E	CARTER
2	88.00		E2SW	34	6S	61E	CARTER
3	138.00		SE	34	6S	61E	CARTER
4	119.00		S2S2	35	6S	61E	CARTER
5	160.00		NE	3	7S	61E	CARTER
6	15.00		W2NW	1	7S	61E	CARTER
7	20.00		N2SW	1	7S	61E	CARTER
8	400.00 64.00		E2NE	2	7S	61E	CARTER
9	119.00		NW	2	7S	61E	CARTER
10	73.00		SW	2	7S	61E	CARTER
11	103.00		SE	2	7S	61E	CARTER
12	45.00 35.15		N2SW	3	7S	61E	CARTER
13	32.00		SE	3	7S	61E	CARTER
14	3.00		NWNWNE	11	7S	61E	CARTER
15	8.00		NENW	11	7S	61E	CARTER
16	29.00	2	NWNE	2	7S	61E	CARTER
Total:	1011.15						

39F 27555-00

7. The maximum acres for claim **39F 27555-00** should be reduced to **614.00** acres.

8. The place of use for claim **39F 27555-00** should be amended to the following

(with changes in **BOLD** or ~~strikeout~~):

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rg</u>	<u>County</u>
1	112.00		SE	34	6S	61E	CARTER
2	13.00		NESW	34	6S	61E	CARTER
3	106.00		S2S2	35	6S	61E	CARTER
4	3.00	4	NW	1	7S	61E	CARTER
5	12.00		SWNW	1	7S	61E	CARTER
6	15.00		N2SW	1	7S	61E	CARTER
7	400.00 57.00		E2NE	2	7S	61E	CARTER
8	111.00		NW	2	7S	61E	CARTER
9	32.00		N2SW	2	7S	61E	CARTER
10	91.00		SE	2	7S	61E	CARTER
11	2.00		NWNWNE	11	7S	61E	CARTER
12	33.00		NE	3	7S	61E	CARTER
13	27.00		NWNE	2	7S	61E	CARTER
Total:	614.00						

39F 27556-00

9. The maximum acres for claim **39F 27556-00** should be reduced to **1020.15** acres.

10. The place of use for claim **39F 27556-00** should be amended to the following
(with changes in **BOLD** or ~~strikeout~~):

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	2.00		SESWSE	33	6S	61E	CARTER
2	12.00		S2SESE	33	6S	61E	CARTER
3	138.00		SE	34	6S	61E	CARTER
4	88.00		E2SW	34	6S	61E	CARTER
5	119.00		S2S2	35	6S	61E	CARTER
6	3.00	4	NW	1	7S	61E	CARTER
7	12.00		SWNW	1	7S	61E	CARTER
8	20.00		N2SW	1	7S	61E	CARTER
9	400.00 64.00		E2NE	2	7S	61E	CARTER
10	119.00		NW	2	7S	61E	CARTER
11	73.00		SW	2	7S	61E	CARTER
12	103.00		SE	2	7S	61E	CARTER
13	160.00		NE	3	7S	61E	CARTER
14	45.00 35.15		N2SW	3	7S	61E	CARTER
15	32.00		N2SE	3	7S	61E	CARTER
16	3.00		NWNWNE	11	7S	61E	CARTER
17	8.00		NENW	11	7S	61E	CARTER
18	29.00	2	NWNE	2	7S	61E	CARTER
Total:	1020.15						

39F 27557-00

11. The maximum acres for claim **39F 27557-00** should be reduced to **662.00** acres.

12. The place of use for claim **39F 27557-00** should be amended to the following

(with changes in **BOLD** or ~~strikeout~~):

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	32.00 5.00	3	SESW	9	6S	61E	CARTER
2	98.00 55.00		W2SE	9	6S	61E	CARTER
3	94.00 78.00		W2SW	10	6S	61E	CARTER
4	11.00		SWSE	10	6S	61E	CARTER
5	52.00 55.00		N2NE	15	6S	61E	CARTER
6	61.00		N2NW	15	6S	61E	CARTER
7	11.00		SWNW	14	6S	61E	CARTER
8	87.00 41.00		N2SW	14	6S	61E	CARTER
9	94.00 50.00		W2SE	14	6S	61E	CARTER
10	32.00		SWSW	13	6S	61E	CARTER
11	43.00 34.00		NEN2NE	23	6S	61E	CARTER
12	40.00		W2NW	24	6S	61E	CARTER
13 12	24.00 32.00		S2NE	9	6S	61E	CARTER
14 13	25.00		SWNW	10	6S	61E	CARTER
14	47.00		NESE	9	6S	61E	CARTER
15	38.00		SESW	10	6S	61E	CARTER
16	14.00		SENE	15	6S	61E	CARTER
17	35.00		SESW	14	6S	61E	CARTER
18	38.00		SESE	14	6S	61E	CARTER

Total: **662.00**

39F 27558-00

13. The maximum acres for claim **39F 27558-00** should be reduced to **276.50** acres.

14. The place of use for claim **39F 27558-00** should be amended to the following

(with changes in **BOLD** or ~~strikeout~~):

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	8.00		SWSW	15	6S	61E	CARTER
2	9.00		NWNE	22	6S	61E	CARTER
3	40.00		SWNE	22	6S	61E	CARTER
4	9.00		SENE	22	6S	61E	CARTER
5	19.00		NENW	22	6S	61E	CARTER
6	7.00		NWNW	22	6S	61E	CARTER
7	4.00		SENW	22	6S	61E	CARTER
8	131.00		SE	22	6S	61E	CARTER
9	34.00		NENE	27	6S	61E	CARTER
10	36.00 31.50		SWS2SW	23	6S	61E	CARTER
11	6.00		SWNWSW	23	6S	61E	CARTER
12	6.00		NENW	26	6S	61E	CARTER
13	40.00		NWNW	26	6S	61E	CARTER

Total: **276.50**

39F 27559-00

15. The maximum acres for claim **39F 27559-00** should be reduced to **276.50** acres.

16. The place of use for claim **39F 27559-00** should be amended to the following
(with changes in **BOLD** or ~~strikeout~~):

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	8.00		SWSW	15	6S	61E	CARTER
2	9.00		NWNE	22	6S	61E	CARTER
3	40.00		SWNE	22	6S	61E	CARTER
4	9.00		SENE	22	6S	61E	CARTER
5	19.00		NWNE	22	6S	61E	CARTER
6	7.00		NWNW	22	6S	61E	CARTER
7	4.00		SENE	22	6S	61E	CARTER
8	131.00		SE	22	6S	61E	CARTER
9	34.00		NENE	27	6S	61E	CARTER
10	36.00 31.50		SWS2SW	23	6S	61E	CARTER
11	6.00		SWNWSW	23	6S	61E	CARTER
12	6.00		NENW	26	6S	61E	CARTER
13	40.00		NWNW	26	6S	61E	CARTER
Total:	276.50						

39F 27560-00

17. The maximum acres for claim **39F 27560-00** should be reduced to **241.00** acres.

18. The place of use for claim **39F 27560-00** should be amended to the following
(with changes in **BOLD** or ~~strikeout~~):

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	94.00 57.00		E2SW	14	6S	61E	CARTER
2	91.00 46.00		W2SE	14	6S	61E	CARTER
3	40.00		SWSW	13	6S	61E	CARTER
4	46.00 37.00		NEN2NE	23	6S	61E	CARTER
5	48.00		W2NW	24	6S	61E	CARTER
5	24.00		NWSW	14	6S	61E	CARTER
6	37.00		SESE	14	6S	61E	CARTER
Total:	241.00						

39F 27561-00

19. The maximum acres for claim **39F 27561-00** should be reduced to **241.00** acres.

20. The place of use for claim **39F 27561-00** should be amended to the following
(with changes in **BOLD** or ~~strikeout~~):

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	94.00 57.00		E2SW	14	6S	61E	CARTER
2	91.00 46.00		W2SE	14	6S	61E	CARTER
3	40.00		SWSW	13	6S	61E	CARTER
4	46.00 37.00		NEN2NE	23	6S	61E	CARTER
5	48.00		W2NW	24	6S	61E	CARTER
5	24.00		NWSW	14	6S	61E	CARTER
6	<u>37.00</u>		<u>SESE</u>	<u>14</u>	<u>6S</u>	<u>61E</u>	<u>CARTER</u>

Total: **241.00**

39F 27562-00

21. The maximum acres for claim **39F 27562-00** should be reduced to **641.00** acres.

22. The place of use for claim **39F 27562-00** should be amended to the following
(with changes in **BOLD** or ~~strikeout~~):

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	29.00		S2NE	9	6S	61E	CARTER
2	32.00 5.00		SESW	9	6S	61E	CARTER
3	108.00 52.00		W2SE	9	6S	61E	CARTER
4	40.00		SWNW	10	6S	61E	CARTER
5	100.00 59.00		W2SW	10	6S	61E	CARTER
6	12.00		SWSE	10	6S	61E	CARTER
7	41.00		N2NE	15	6S	61E	CARTER
8	61.00		N2NW	15	6S	61E	CARTER
9	11.00		SENE	15	6S	61E	CARTER
10	11.00		SWNW	14	6S	61E	CARTER
11	87.00 58.00		N2SW	14	6S	61E	CARTER
12	90.00 46.00		W2SE	14	6S	61E	CARTER
13	32.00		SWSW	13	6S	61E	CARTER
14	43.00 34.00		NEN2NE	23	6S	61E	CARTER
15	40.00		W2NW	24	6S	61E	CARTER
15	40.00	3	NESE	9	6S	61E	CARTER
16	39.00		SESW	10	6S	61E	CARTER
17	34.00		SESW	14	6S	61E	CARTER
18	37.00		SESE	14	6S	61E	CARTER

Total: **641.00**

39F 27564-00

23. The maximum acres for claim **39F 27564-00** should be reduced to **417.00** acres.
24. The point of diversion and means of diversion should be amended to the following (with changes in **BOLD** or ~~strikeout~~):

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNESW	9	6S	61E	CARTER
	Period of Diversion: FEBRUARY 15 TO NOVEMBER 15					
	Diversion Means: DIKE					
2	9	SESESE	4	6S	61E	CARTER
	Period of Diversion: FEBRUARY 15 TO NOVEMBER 15					
	Diversion Means: DIKE					
3	1	SENENE	9	6S	61E	CARTER
	Period of Diversion: FEBRUARY 15 TO NOVEMBER 15					
	Diversion Means: DIKE					
4		NWSWNE	9	6S	61E	CARTER
	Period of Diversion: FEBRUARY 15 TO NOVEMBER 15					
	Diversion Means: DIKE					

25. The place of use for claim **39F 27564-00** should be amended to the following

(with changes in **BOLD** or ~~strikeout~~):

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	27.00 4.00	2	SWNE	9	6S	61E	CARTER
2	36.00 26.00		SENE	9	6S	61E	CARTER
3	24.00		NESW	9	6S	61E	CARTER
4	6.00		NWSW	9	6S	61E	CARTER
5	7.00		SESW	9	6S	61E	CARTER
6	98.00 52.00		W2SE	9	6S	61E	CARTER
7	40.00		SWNW	10	6S	61E	CARTER
8	94.00 59.00		W2SW	10	6S	61E	CARTER
9	11.00		SWSE	10	6S	61E	CARTER
10	45.00		N2NE	15	6S	61E	CARTER
11	61.00		N2NW	15	6S	61E	CARTER
12	15.00		SENE	15	6S	61E	CARTER
13	11.00		SWNW	14	6S	61E	CARTER
14	7.00		NWSW	14	6S	61E	CARTER
15	40.00	3	NESE	9	6S	61E	CARTER
16	39.00		SESW	10	6S	61E	CARTER
Total: 417.00							

9. The relevant elements should be described as proposed in the stipulation and described above.

10. Claim 39F 27558-00 is a claim for a water spreading irrigation system. These systems divert water whenever it is available and do not typically utilize substantial amounts of stored water.

11. The issue remarks should be removed from each above-captioned claim.

APPLICABLE LAW

1. A properly filed statement of claim is prima facie proof of its content. Section 85-2-227, MCA. The prima facie status of a claim may be overcome by a preponderance of the evidence. Section 85-2-227, MCA; Rule 19, W.R.Adj.R. A preponderance of the evidence is evidence that shows a fact is “more probable than not.” *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 438, 240 P.3d 628.

2. The Water Court must weigh an issue remark, and the information resulting in that issue remark, against the claimed water right. Section 85-2-247(2), MCA.

3. The Water Court must resolve all issue remarks not resolved through the objection process. Section 85-2-248, MCA. The Court must review information in the claim file or obtained by the Court to determine if there is a sufficient basis to resolve the remarks. 85-2-248(3), MCA.

CONCLUSIONS OF LAW

1. The changes described in the Findings of Fact may be made because the evidence in the record overcomes the prima facie status of each claim by a preponderance of the evidence.

2. The evidence in the record and the proposed changes provide the Court with a sufficient basis to resolve and remove the issue remarks from the above-captioned claims.

3. The volume issue remark on Claim 39F 27558-00 does not overcome the prima facie status of the claim because it is for a water spreading system.

4. The source issue remarks do not overcome the prima facie status of Claims 39 27559-00 and 39F 27564-00 because those claims are for water spreading irrigation systems where the diversion of water is part of one right. These claims could be including multiple unnamed tributaries, but such diversions appear to be part of one system and one water right.

RECOMMENDATIONS

Based upon the above Findings of Fact and Conclusions of Law, this Master recommends that the Court make the changes specified in the Findings of Fact to correct the Preliminary Decree for this Basin. Post-decree Abstracts of Water Right Claims are served with this Report to confirm the recommended changes have been made in the state's centralized record system.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

Thomas Ranch Inc.
2451 Little Missouri Rd
Belle Fourche, SD 57717

Service Via Electronic Mail:

Romney S. Philpott
DOJ-ENRD
999 18th Street, South Terrace Suite 370
Denver, CO 80202
(303) 844-1810
Romney.Philpott@usdoj.gov
MontanaBasins.ENRD@USDOJ.GOV

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 26419-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: THOMAS RANCH INC
2451 LITTLE MISSOURI RD
BELLE FOURCHE, SD 57717

Priority Date: OCTOBER 11, 1970

Type of Historical Right: USE

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: UNNAMED TRIBUTARY OF BLACKTAIL CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNWSW	28	6S	61E	CARTER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWNWSW	28	6S	61E	CARTER

Diversion to Reservoir: DIVERSION # 1

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SWNWSW	28	6S	61E	CARTER

27559-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 26430-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: THOMAS RANCH INC
2451 LITTLE MISSOURI RD
BELLE FOURCHE, SD 57717

Priority Date: OCTOBER 31, 1937

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: WATER SPREADING

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

Volume: 400.00 AC-FT

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 1,011.15

Source Name: UNNAMED TRIBUTARY OF LITTLE MISSOURI RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSWNE	33	6S	61E	CARTER

Period of Diversion: FEBRUARY 15 TO NOVEMBER 15

Diversion Means: HEADGATE

Period of Use: FEBRUARY 15 TO NOVEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	5.00		SESE	33	6S	61E	CARTER
2	88.00		E2SW	34	6S	61E	CARTER
3	138.00		SE	34	6S	61E	CARTER
4	119.00		S2S2	35	6S	61E	CARTER
5	160.00		NE	3	7S	61E	CARTER
6	15.00		W2NW	1	7S	61E	CARTER
7	20.00		N2SW	1	7S	61E	CARTER
8	64.00		E2NE	2	7S	61E	CARTER
9	119.00		NW	2	7S	61E	CARTER
10	73.00		SW	2	7S	61E	CARTER
11	103.00		SE	2	7S	61E	CARTER
12	35.15		N2SW	3	7S	61E	CARTER
13	32.00		SE	3	7S	61E	CARTER
14	3.00		NWNWNE	11	7S	61E	CARTER

15	8.00		NENW	11	7S	61E	CARTER
16	29.00	2	NWNE	11	7S	61E	CARTER
Total:							
	1011.15						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

26428-00 26430-00 27555-00 27556-00

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

26421-00 26430-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 27555-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: THOMAS RANCH INC
2451 LITTLE MISSOURI RD
BELLE FOURCHE, SD 57717

Priority Date: AUGUST 2, 1904

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: WATER SPREADING

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

Volume: 950.00 AC-FT

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 614.00

Source Name: UNNAMED TRIBUTARY OF LITTLE MISSOURI RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSNW	34	6S	61E	CARTER

Period of Diversion: FEBRUARY 15 TO NOVEMBER 15

Diversion Means: DIKE

Period of Use: FEBRUARY 15 TO NOVEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	112.00		SE	34	6S	61E	CARTER
2	13.00		NESW	34	6S	61E	CARTER
3	106.00		S2S2	35	6S	61E	CARTER
4	3.00	4	NW	1	7S	61E	CARTER
5	12.00		SWNW	1	7S	61E	CARTER
6	15.00		N2SW	1	7S	61E	CARTER
7	57.00		E2NE	2	7S	61E	CARTER
8	111.00		NW	2	7S	61E	CARTER
9	32.00		N2SW	2	7S	61E	CARTER
10	91.00		SE	2	7S	61E	CARTER
11	2.00		NWNWNE	11	7S	61E	CARTER
12	33.00		NE	3	7S	61E	CARTER
13	27.00		NWNE	2	7S	61E	CARTER

Total: 614.00

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

26428-00

26430-00

27555-00

27556-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 27556-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: THOMAS RANCH INC
2451 LITTLE MISSOURI RD
BELLE FOURCHE, SD 57717

Priority Date: AUGUST 25, 1902

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: WATER SPREADING

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

Volume: 1,550.00 AC-FT

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 1,020.15

Source Name: BLACKTAIL CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESWSE	33	6S	61E	CARTER

Period of Diversion: FEBRUARY 15 TO NOVEMBER 15

Diversion Means: HEADGATE

Ditch Name: GRAY DITCH

Period of Use: FEBRUARY 15 TO NOVEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	2.00		SESWSE	33	6S	61E	CARTER
2	12.00		S2SESE	33	6S	61E	CARTER
3	138.00		SE	34	6S	61E	CARTER
4	88.00		E2SW	34	6S	61E	CARTER
5	119.00		S2S2	35	6S	61E	CARTER
6	3.00	4	NW	1	7S	61E	CARTER
7	12.00		SWNW	1	7S	61E	CARTER
8	20.00		N2SW	1	7S	61E	CARTER
9	64.00		E2NE	2	7S	61E	CARTER
10	119.00		NW	2	7S	61E	CARTER
11	73.00		SW	2	7S	61E	CARTER
12	103.00		SE	2	7S	61E	CARTER
13	160.00		NE	3	7S	61E	CARTER

14	35.15		N2SW	3	7S	61E	CARTER
15	32.00		N2SE	3	7S	61E	CARTER
16	3.00		NWNWNE	11	7S	61E	CARTER
17	8.00		NENW	11	7S	61E	CARTER
18	29.00	2	NWNE	2	7S	61E	CARTER
Total:		1020.15					

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

26428-00

26430-00

27555-00

27556-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 27557-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: THOMAS RANCH INC
2451 LITTLE MISSOURI RD
BELLE FOURCHE, SD 57717

Priority Date: JULY 31, 1957

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: WATER SPREADING

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

Volume: 300.00 AC-FT

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 662.00

Source Name: UNNAMED TRIBUTARY OF LITTLE MISSOURI RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSENE	7	6S	61E	CARTER

Period of Diversion: FEBRUARY 15 TO NOVEMBER 15

Diversion Means: DAM

Period of Use: FEBRUARY 15 TO NOVEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	5.00		SESW	9	6S	61E	CARTER
2	55.00		W2SE	9	6S	61E	CARTER
3	78.00		W2SW	10	6S	61E	CARTER
4	11.00		SWSE	10	6S	61E	CARTER
5	55.00		N2NE	15	6S	61E	CARTER
6	61.00		N2NW	15	6S	61E	CARTER
7	11.00		SWNW	14	6S	61E	CARTER
8	41.00		N2SW	14	6S	61E	CARTER
9	50.00		W2SE	14	6S	61E	CARTER
10	32.00		SWSW	13	6S	61E	CARTER
11	34.00		NENE	23	6S	61E	CARTER
12	32.00		S2NE	9	6S	61E	CARTER
13	25.00		SWNW	10	6S	61E	CARTER
14	47.00	3	NESE	9	6S	61E	CARTER

15	38.00	SESW	10	6S	61E	CARTER
16	14.00	SENE	15	6S	61E	CARTER
17	35.00	SESW	14	6S	61E	CARTER
18	38.00	SESE	14	6S	61E	CARTER
Total:						662.00

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

27557-00

27560-00

27562-00

27564-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 27558-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: THOMAS RANCH INC
2451 LITTLE MISSOURI RD
BELLE FOURCHE, SD 57717

Priority Date: OCTOBER 15, 1950

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: WATER SPREADING

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

Volume: 525.00 AC-FT

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 276.50

Source Name: UNNAMED TRIBUTARY OF LITTLE MISSOURI RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	7	NE	21	6S	61E	CARTER

Period of Diversion: FEBRUARY 15 TO NOVEMBER 15

Diversion Means: DAM

Reservoir: ONSTREAM **Reservoir Name:** BLIZZARD CREEK RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
7	NE	21	6S	61E	CARTER

Diversion to Reservoir: DIVERSION # 1

Depth: 8.00 FEET

Surface Area: 45.25 ACRES

Capacity: 144.80 ACRE-FEET

Period of Use: FEBRUARY 15 TO NOVEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	40.00		SWNE	22	6S	61E	CARTER
2	131.00		SE	22	6S	61E	CARTER
3	31.50		SWSW	23	6S	61E	CARTER
4	40.00		NWNW	26	6S	61E	CARTER
5	34.00		NENE	27	6S	61E	CARTER

Total: 276.50

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

26427-00 27558-00 27559-00

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

26408-00 27558-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 27559-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: THOMAS RANCH INC
2451 LITTLE MISSOURI RD
BELLE FOURCHE, SD 57717

Priority Date: AUGUST 4, 1908

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: WATER SPREADING

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

Volume: 525.00 AC-FT
Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 276.50

Source Name: UNNAMED TRIBUTARY OF LITTLE MISSOURI RIVER
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNWNW	22	6S	61E	CARTER
Period of Diversion: FEBRUARY 15 TO NOVEMBER 15						
Diversion Means: DIKE						
2		NWSENE	22	6S	61E	CARTER
Period of Diversion: FEBRUARY 15 TO NOVEMBER 15						
Diversion Means: DIKE						
3		SENESE	22	6S	61E	CARTER
Period of Diversion: FEBRUARY 15 TO NOVEMBER 15						
Diversion Means: DIKE						
4		NWSWSE	22	6S	61E	CARTER
Period of Diversion: FEBRUARY 15 TO NOVEMBER 15						
Diversion Means: DIKE						
5		SWNWSE	22	6S	61E	CARTER
Period of Diversion: FEBRUARY 15 TO NOVEMBER 15						
Diversion Means: DIKE						
6		SESENW	22	6S	61E	CARTER
Period of Diversion: FEBRUARY 15 TO NOVEMBER 15						
Diversion Means: DIKE						

7 SESWSW 23 6S 61E CARTER

Period of Diversion: FEBRUARY 15 TO NOVEMBER 15

Diversion Means: DIKE

Period of Use: FEBRUARY 15 TO NOVEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	40.00		SWNE	22	6S	61E	CARTER
2	131.00		SE	22	6S	61E	CARTER
3	31.50		SWSW	23	6S	61E	CARTER
4	40.00		NWNW	26	6S	61E	CARTER
5	34.00		NENE	27	6S	61E	CARTER
Total:	276.50						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

26427-00

27558-00

27559-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 27560-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: THOMAS RANCH INC
2451 LITTLE MISSOURI RD
BELLE FOURCHE, SD 57717

Priority Date: MAY 30, 1910

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: WATER SPREADING

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

Volume: 480.00 AC-FT

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 241.00

Source Name: UNNAMED TRIBUTARY OF LITTLE MISSOURI RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESWNW	14	6S	61E	CARTER

Period of Diversion: FEBRUARY 15 TO NOVEMBER 15

Diversion Means: DIKE

Period of Use: FEBRUARY 15 TO NOVEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	57.00		E2SW	14	6S	61E	CARTER
2	46.00		W2SE	14	6S	61E	CARTER
3	40.00		SWSW	13	6S	61E	CARTER
4	37.00		NENE	23	6S	61E	CARTER
5	24.00		NWSW	14	6S	61E	CARTER
6	37.00		SESE	14	6S	61E	CARTER

Total: 241.00

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

27557-00

27560-00

27562-00

27564-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 27561-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: THOMAS RANCH INC
2451 LITTLE MISSOURI RD
BELLE FOURCHE, SD 57717

Priority Date: FEBRUARY 21, 1901

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: WATER SPREADING

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

Volume: 480.00 AC-FT

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 241.00

Source Name: UNNAMED TRIBUTARY OF LITTLE MISSOURI RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESWNW	14	6S	61E	CARTER

Period of Diversion: FEBRUARY 15 TO NOVEMBER 15

Diversion Means: DIKE

Period of Use: FEBRUARY 15 TO NOVEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	57.00		E2SW	14	6S	61E	CARTER
2	46.00		W2SE	14	6S	61E	CARTER
3	40.00		SWSW	13	6S	61E	CARTER
4	37.00		N2NE	23	6S	61E	CARTER
5	24.00		NWSW	14	6S	61E	CARTER
6	37.00		SESE	14	6S	61E	CARTER
Total:	241.00						

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 27562-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: THOMAS RANCH INC
2451 LITTLE MISSOURI RD
BELLE FOURCHE, SD 57717

Priority Date: AUGUST 31, 1944

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: WATER SPREADING

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

Volume: 150.00 AC-FT

Climatic Area: 2 - MODERATELY HIGH

***Maximum Acres:** 641.00

Source Name: UNNAMED TRIBUTARY OF LITTLE MISSOURI RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNENW	9	6S	61E	CARTER

Period of Diversion: FEBRUARY 15 TO NOVEMBER 15

Diversion Means: DIKE

Period of Use: FEBRUARY 15 TO NOVEMBER 15

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	29.00		S2NE	9	6S	61E	CARTER
2	5.00		SESW	9	6S	61E	CARTER
3	52.00		W2SE	9	6S	61E	CARTER
4	40.00		SWNW	10	6S	61E	CARTER
5	59.00		W2SW	10	6S	61E	CARTER
6	12.00		SWSE	10	6S	61E	CARTER
7	41.00		N2NE	15	6S	61E	CARTER
8	61.00		N2NW	15	6S	61E	CARTER
9	11.00		SENE	15	6S	61E	CARTER
10	11.00		SWNW	14	6S	61E	CARTER
11	58.00		N2SW	14	6S	61E	CARTER
12	46.00		W2SE	14	6S	61E	CARTER
13	32.00		SWSW	13	6S	61E	CARTER
14	34.00		NENE	23	6S	61E	CARTER

15	40.00	3	NESE	9	6S	61E	CARTER
16	39.00		SESW	10	6S	61E	CARTER
17	34.00		SESW	14	6S	61E	CARTER
18	37.00		SESE	14	6S	61E	CARTER
Total:							641.00

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

27557-00

27560-00

27562-00

27564-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 27564-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: THOMAS RANCH INC
2451 LITTLE MISSOURI RD
BELLE FOURCHE, SD 57717

Priority Date: MAY 30, 1910

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: WATER SPREADING

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

Volume: 720.00 AC-FT

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 417.00

Source Name: UNNAMED TRIBUTARY OF LITTLE MISSOURI RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNESW	9	6S	61E	CARTER
Period of Diversion:	FEBRUARY 15 TO NOVEMBER 15					
Diversion Means:	DIKE					
2	9	SESESE	4	6S	61E	CARTER
Period of Diversion:	FEBRUARY 15 TO NOVEMBER 15					
Diversion Means:	DIKE					
3		NWSWNE	9	6S	61E	CARTER
Period of Diversion:	FEBRUARY 15 TO NOVEMBER 15					
Diversion Means:	DIKE					

Period of Use: FEBRUARY 15 TO NOVEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	4.00		SWNE	9	6S	61E	CARTER
2	26.00	2	SENE	9	6S	61E	CARTER
3	7.00		SESW	9	6S	61E	CARTER
4	52.00		W2SE	9	6S	61E	CARTER
5	40.00		SWNW	10	6S	61E	CARTER
6	59.00		W2SW	10	6S	61E	CARTER
7	11.00		SWSE	10	6S	61E	CARTER

8	45.00		N2NE	15	6S	61E	CARTER
9	61.00		N2NW	15	6S	61E	CARTER
10	15.00		SENE	15	6S	61E	CARTER
11	11.00		SWNW	14	6S	61E	CARTER
12	7.00		NWSW	14	6S	61E	CARTER
13	40.00	3	NESE	9	6S	61E	CARTER
14	39.00		SESW	10	6S	61E	CARTER
Total:							
	417.00						

Remarks:

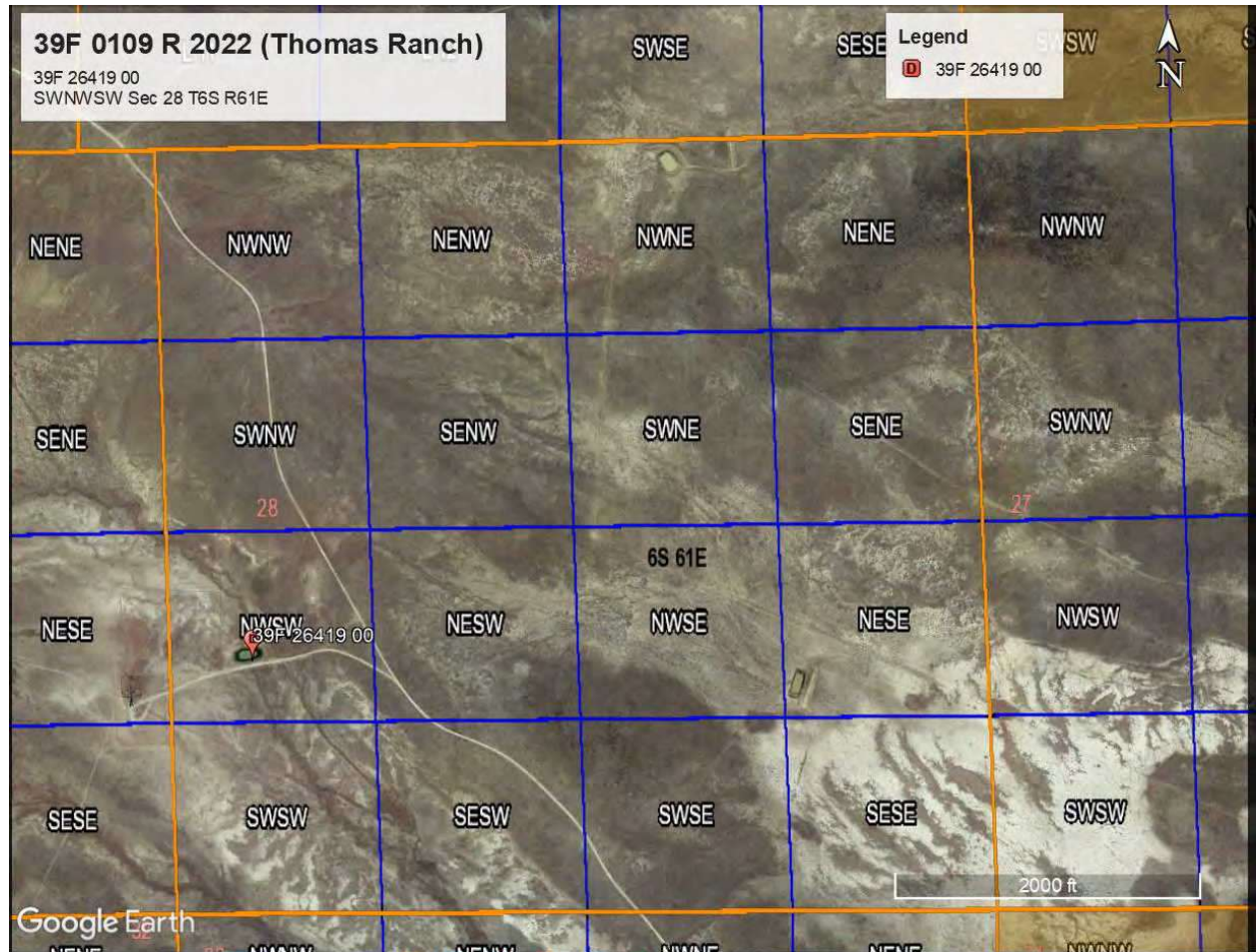
THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

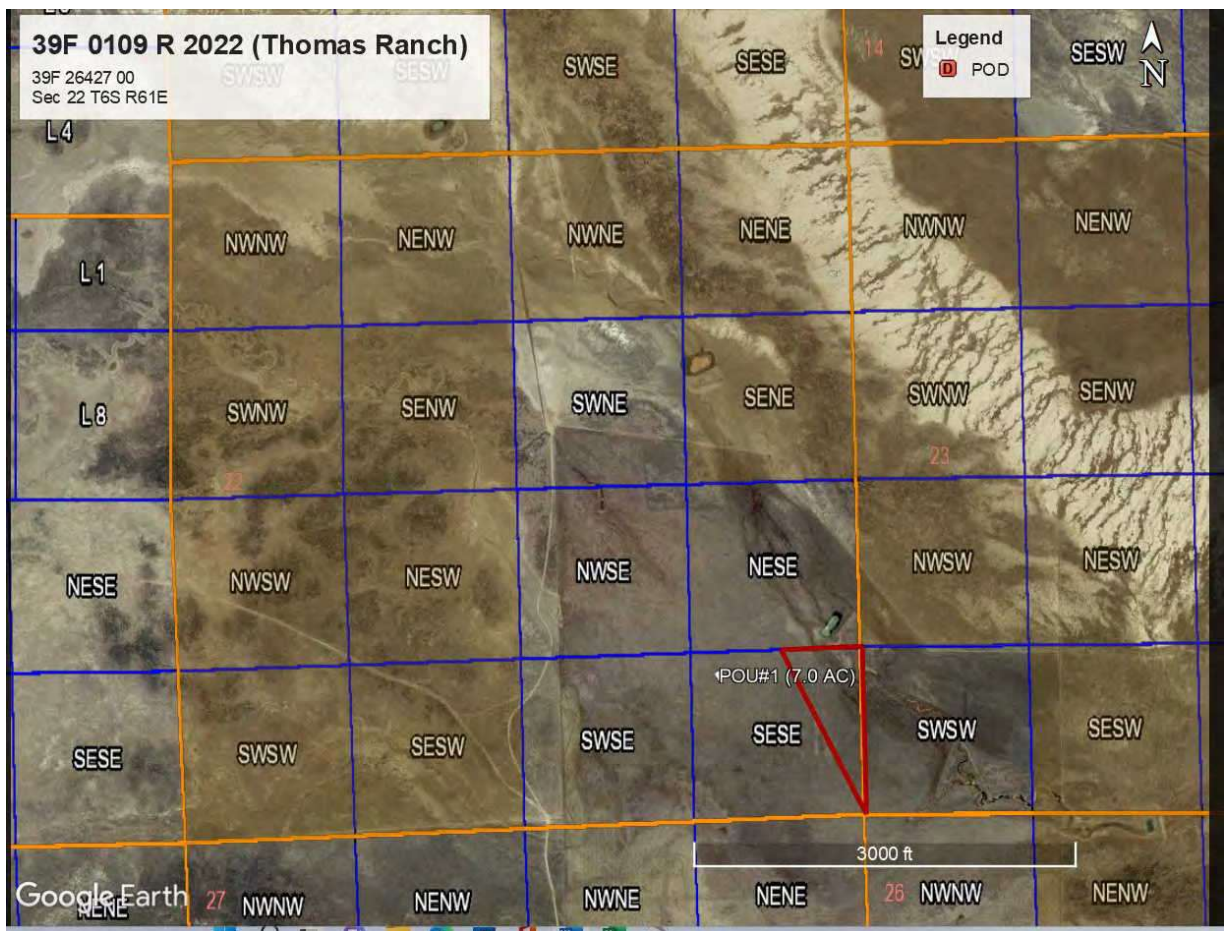
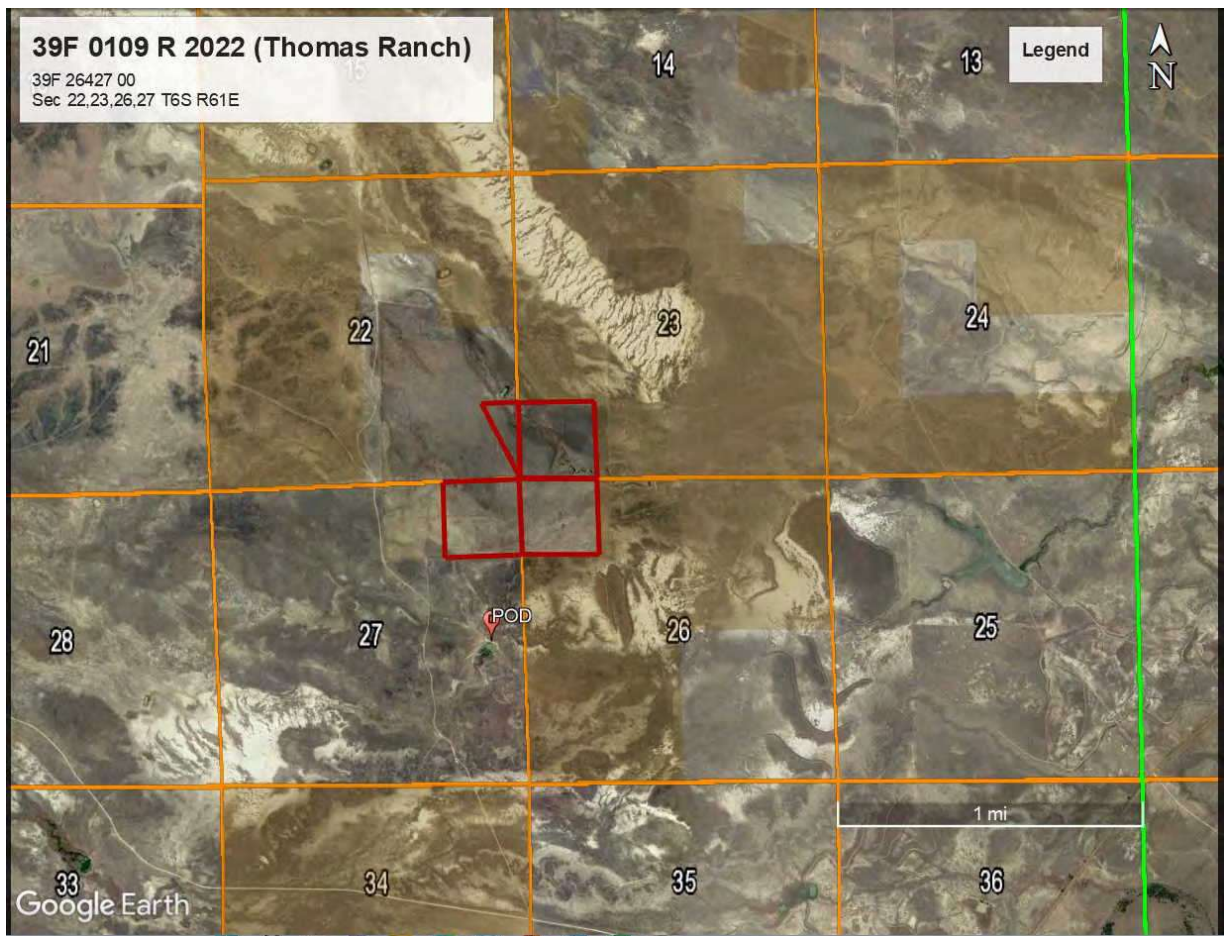
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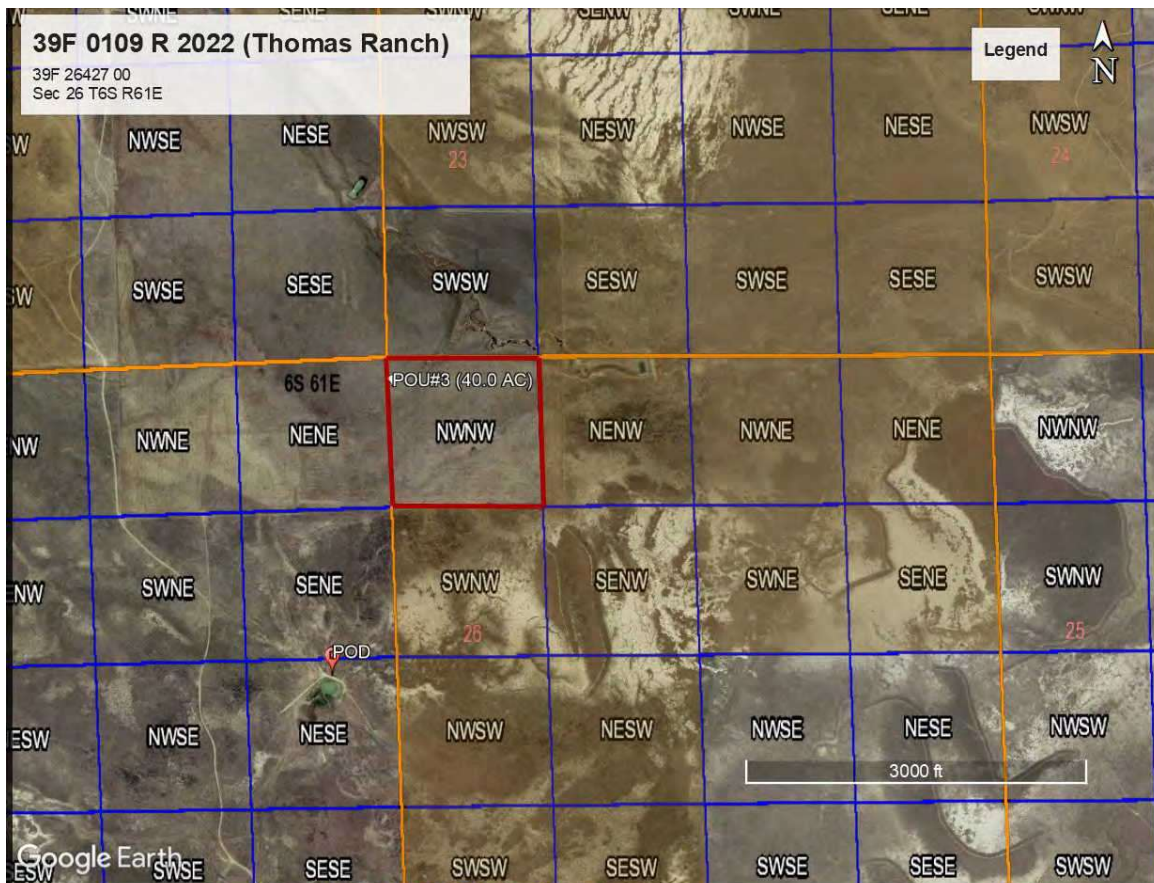
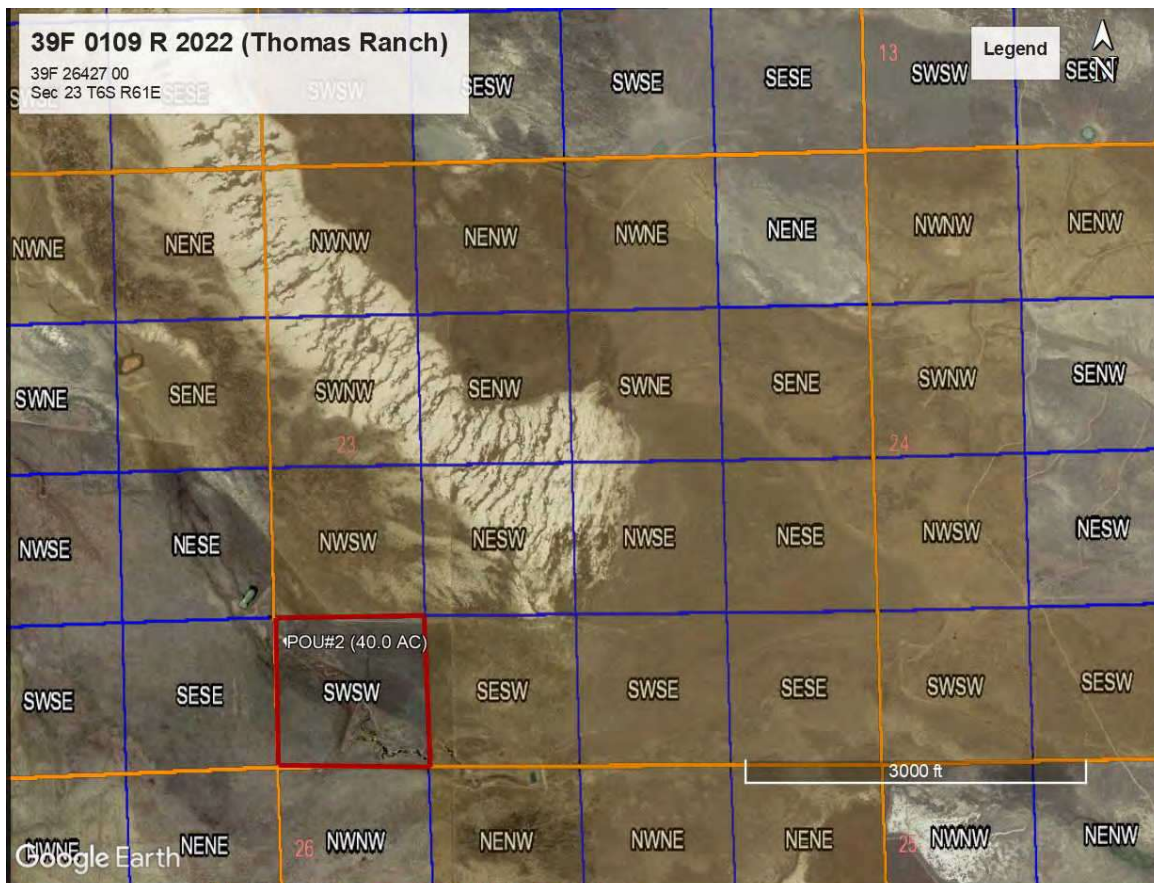
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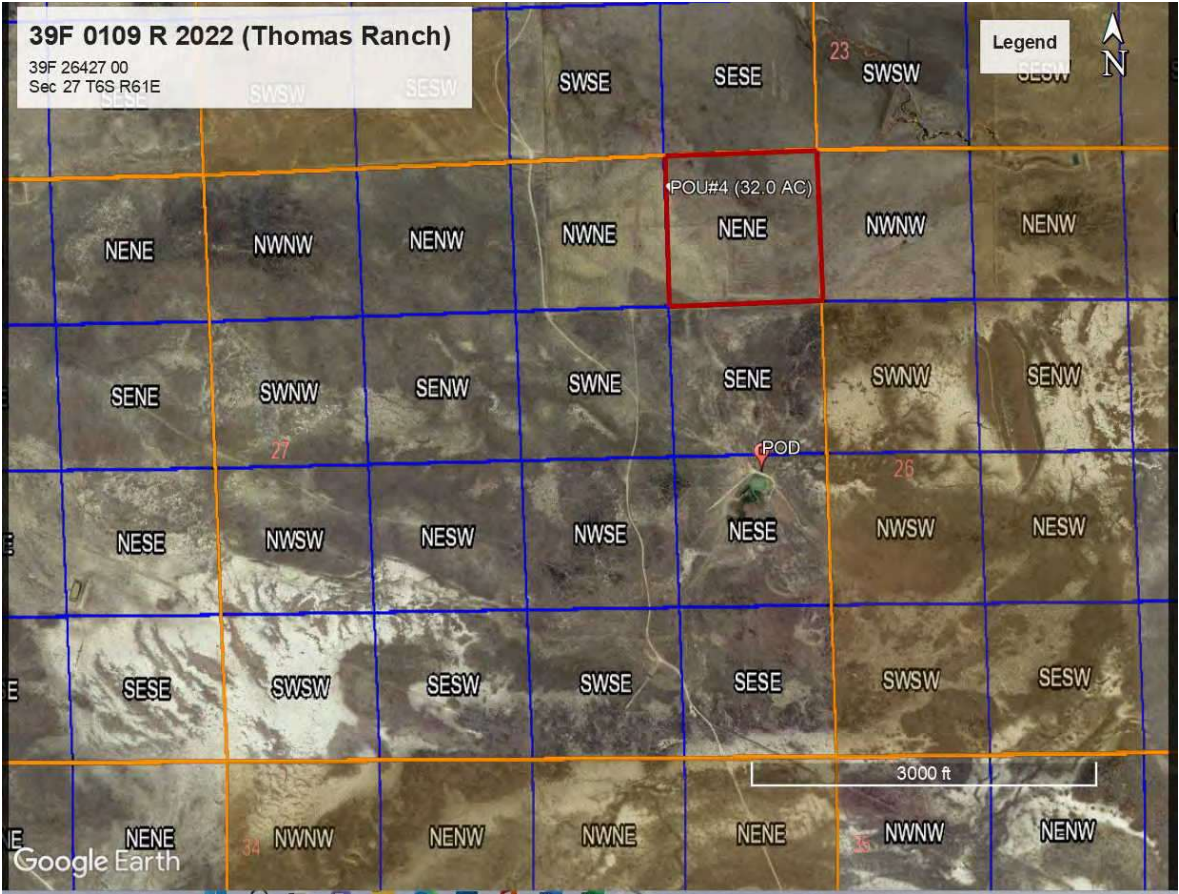
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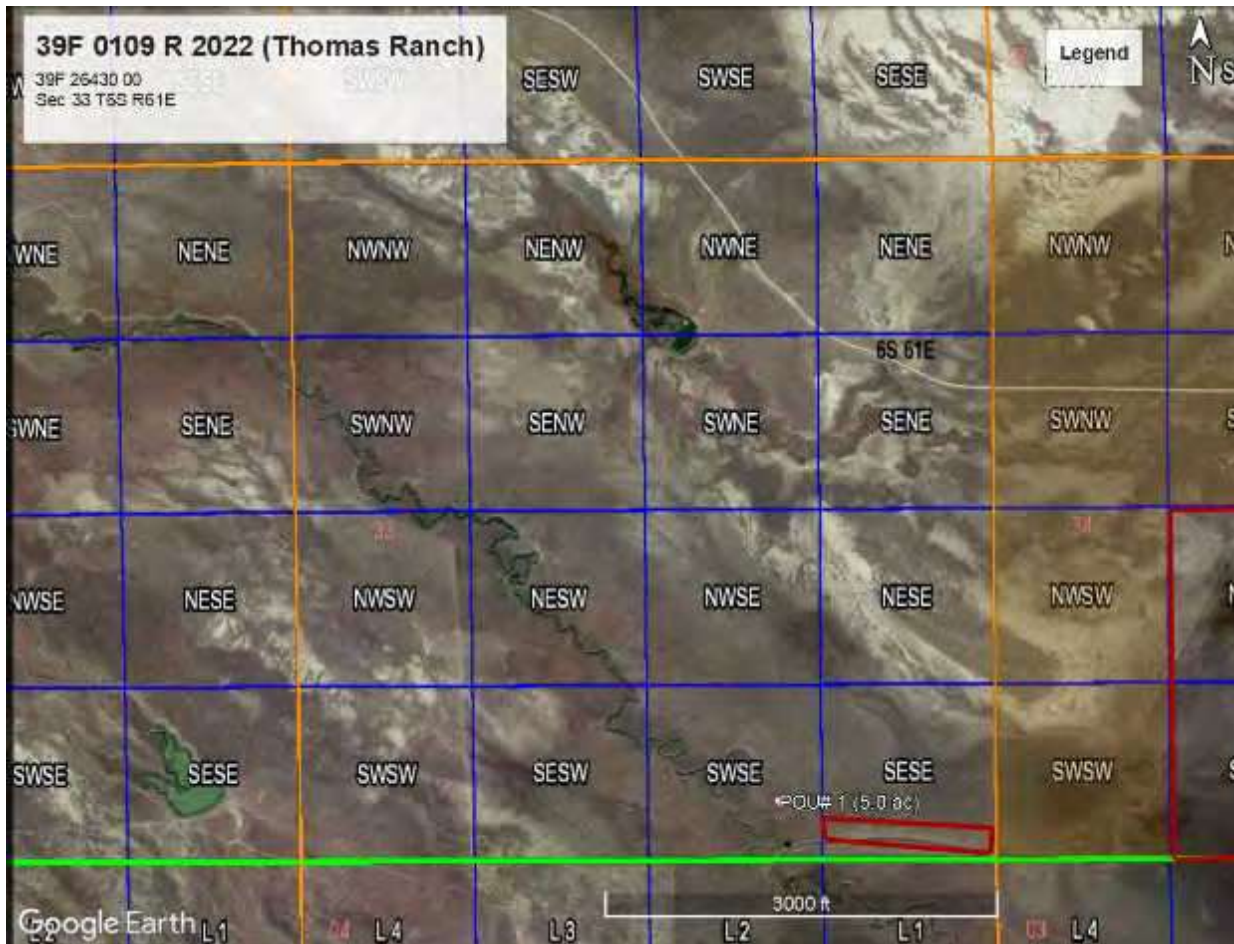
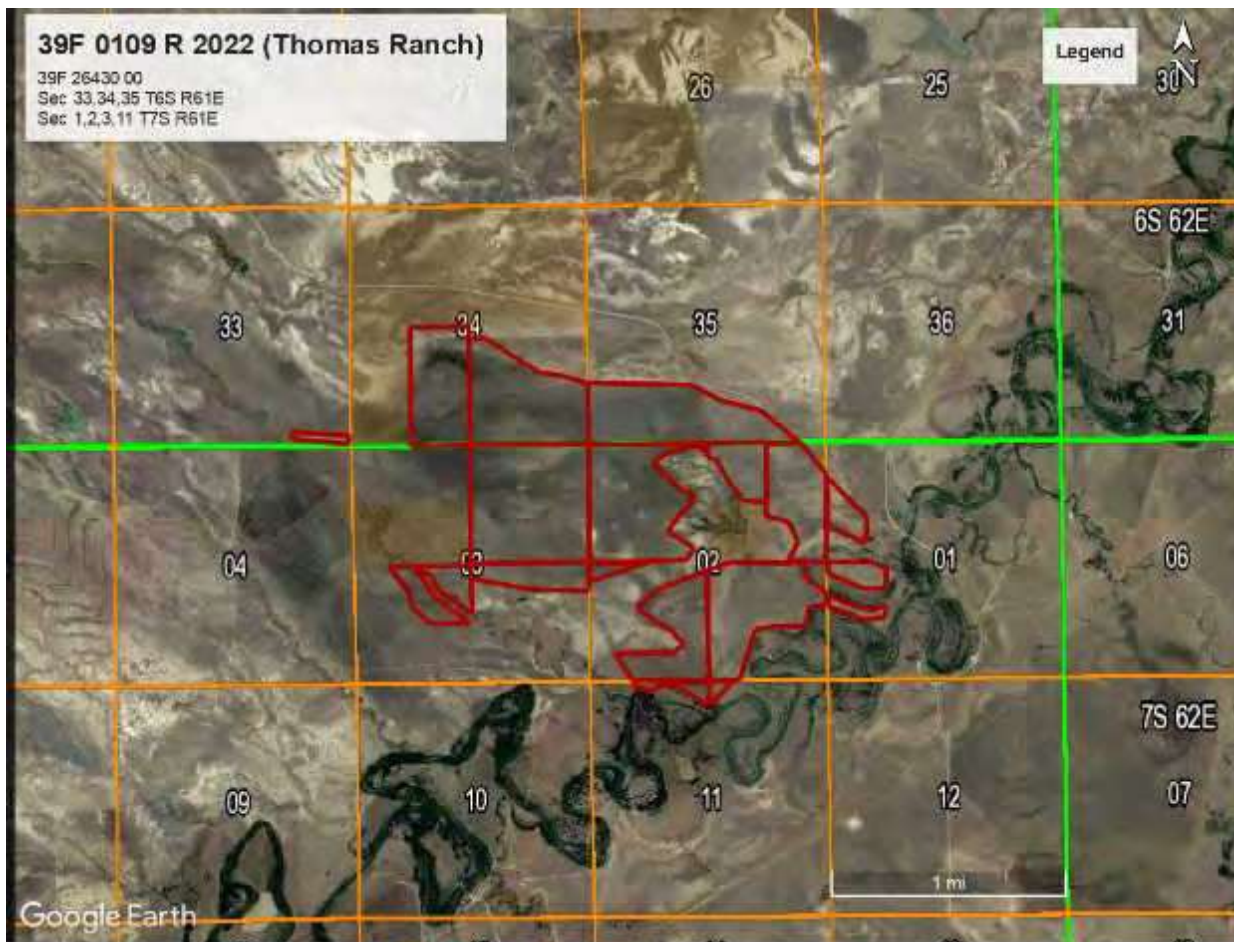
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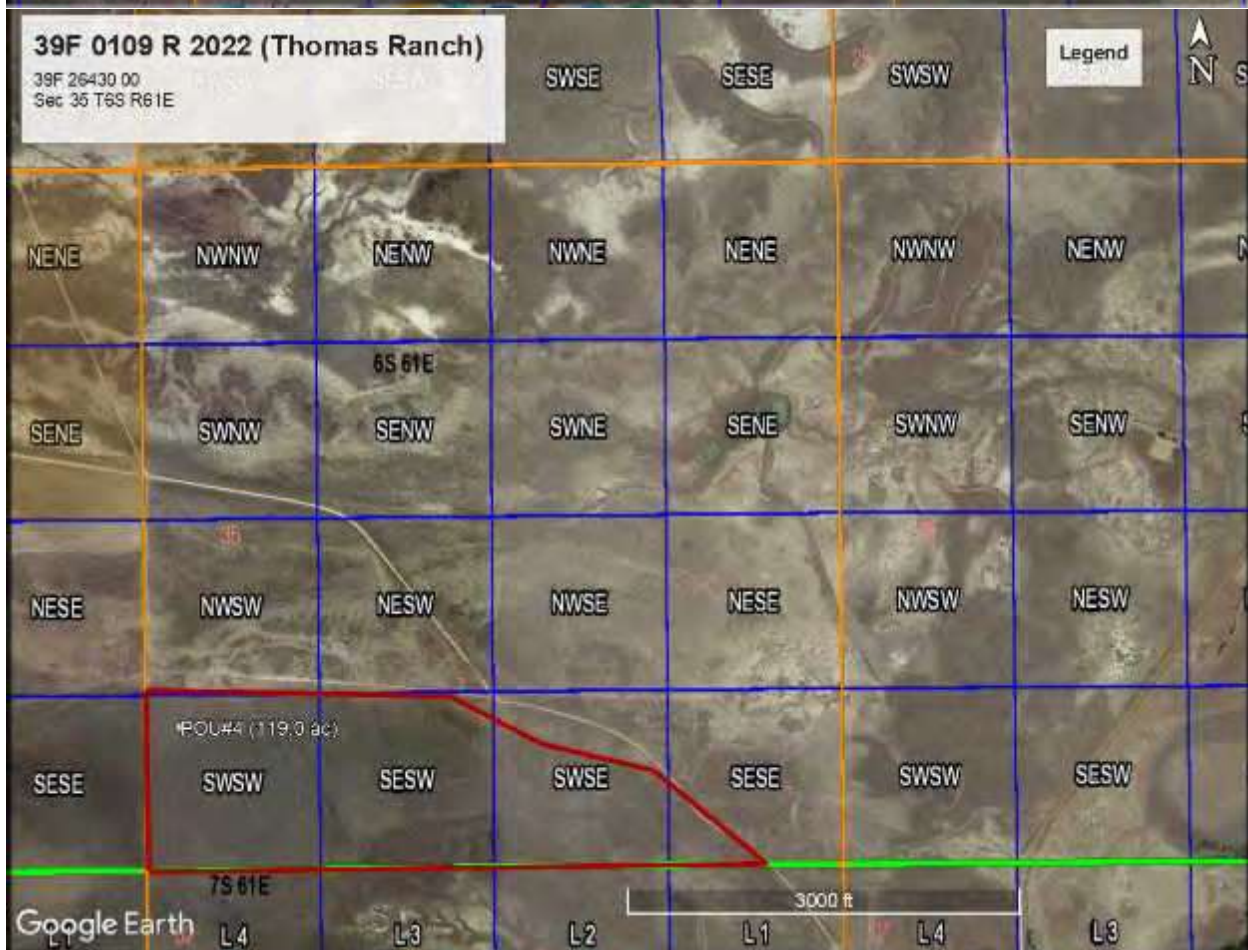
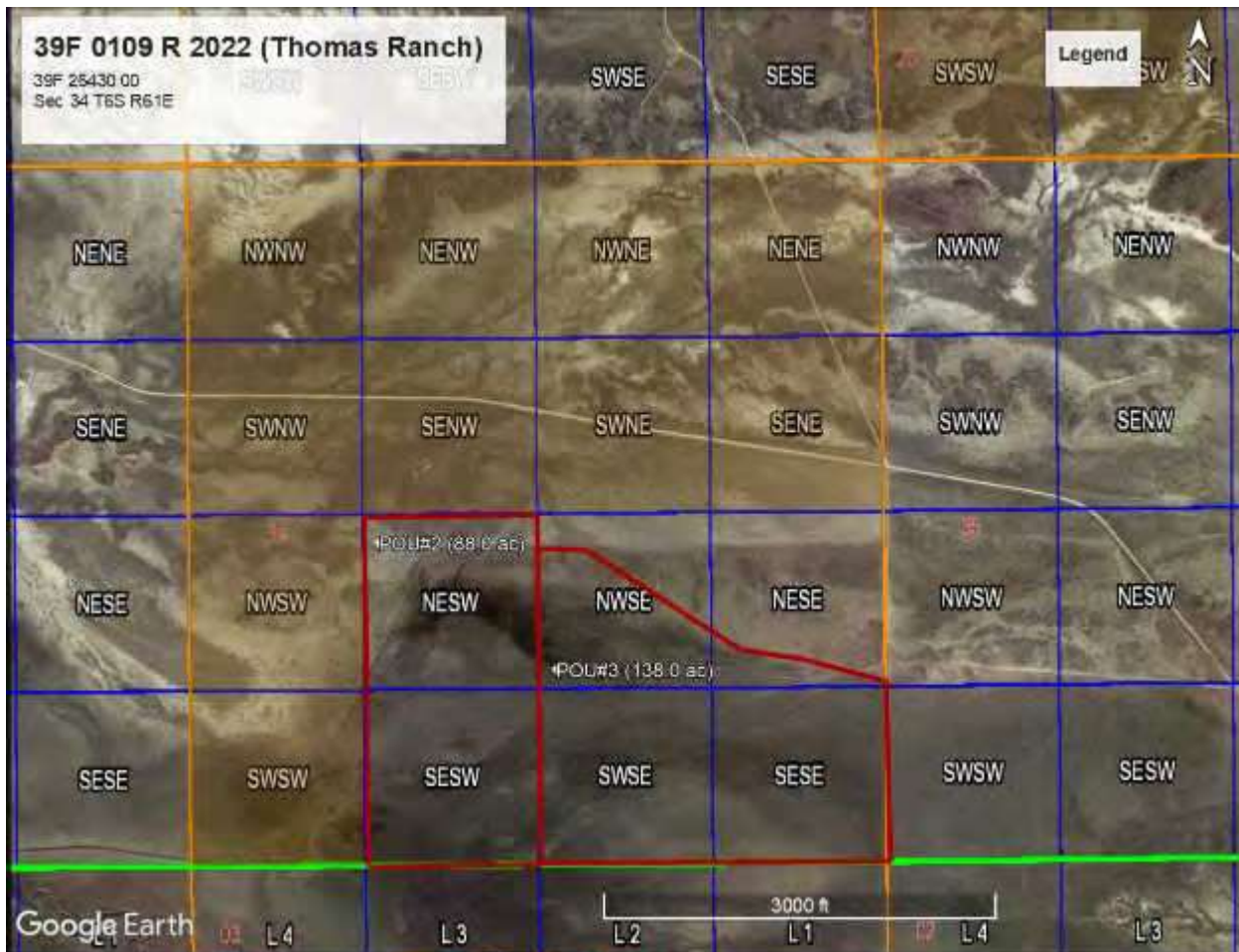


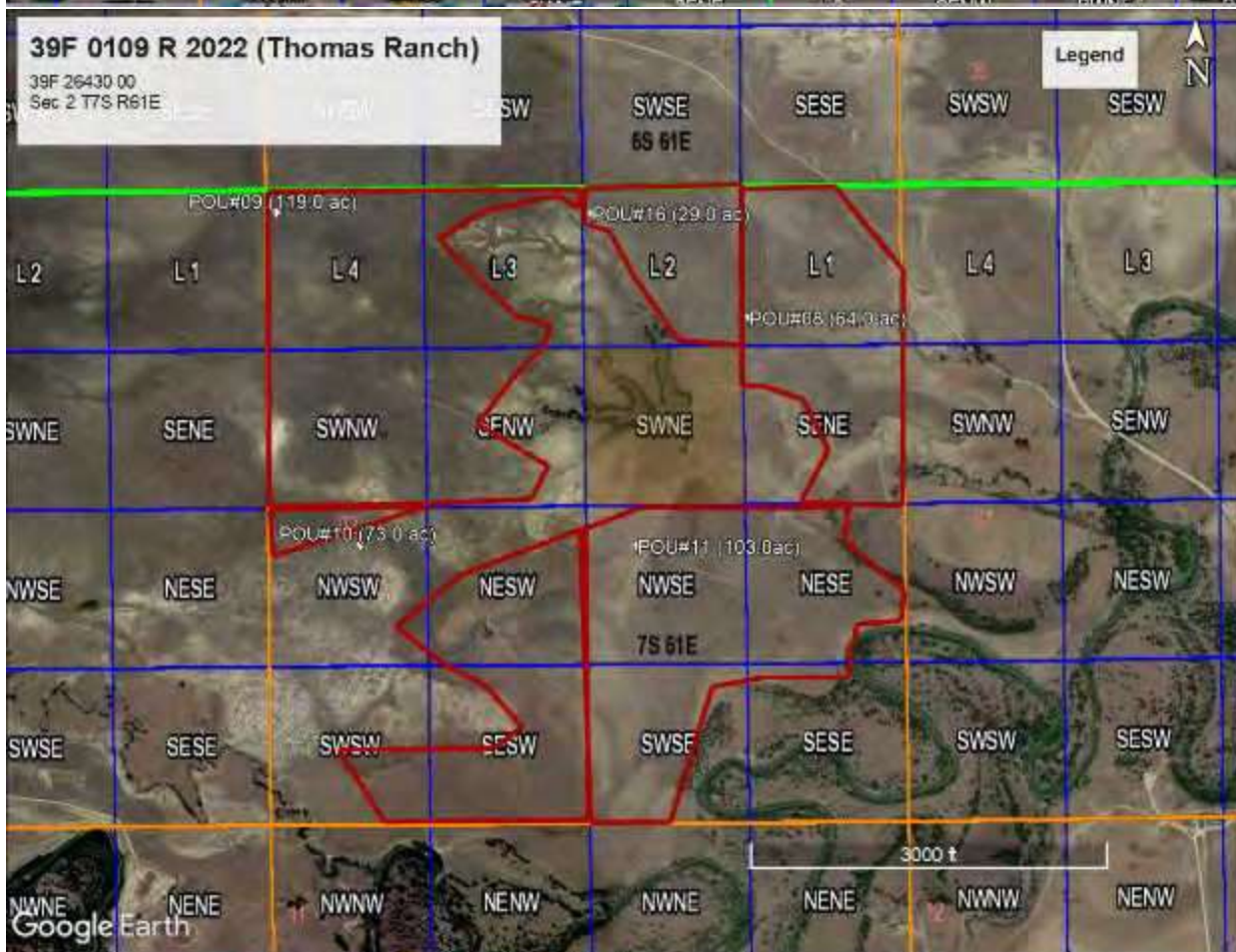
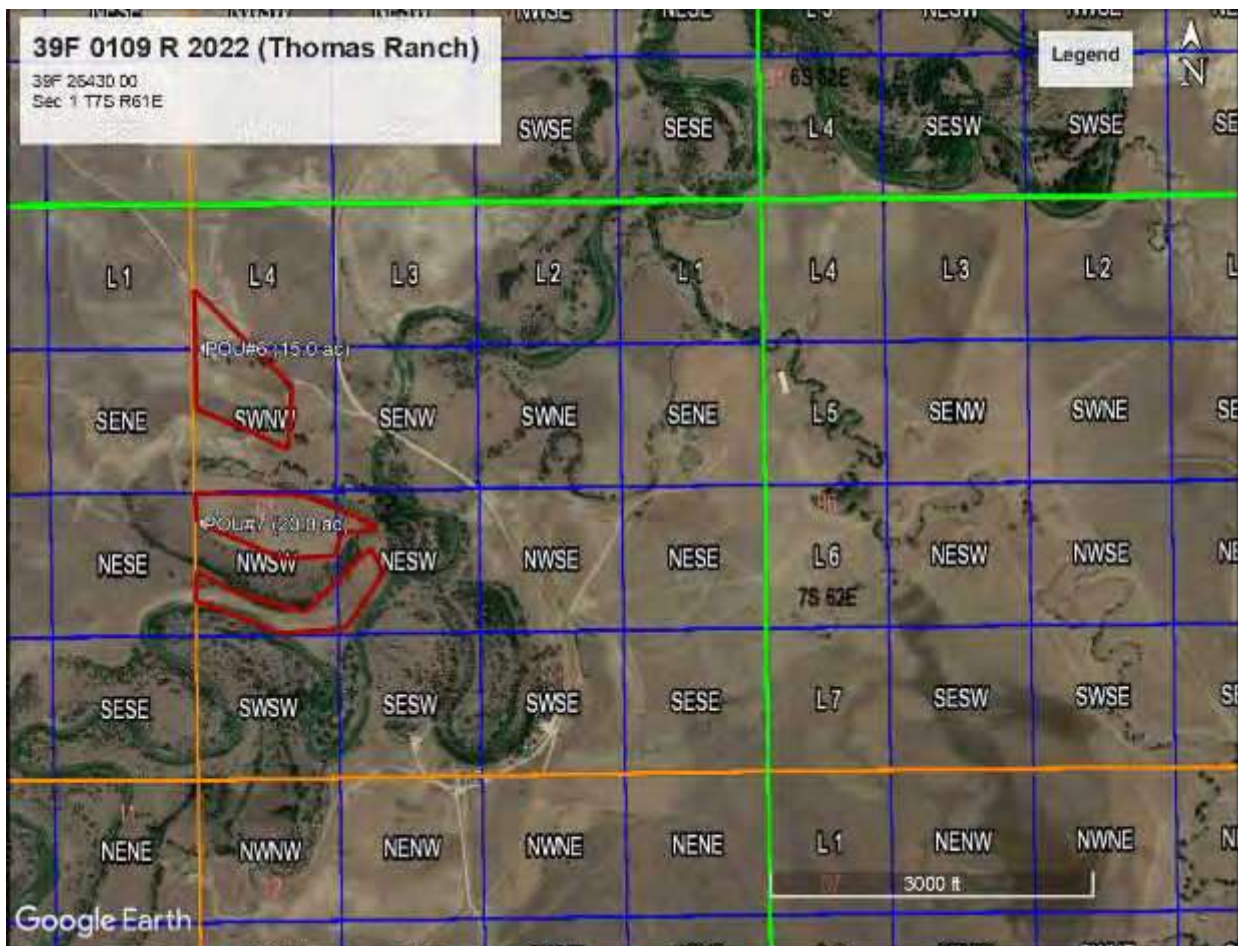


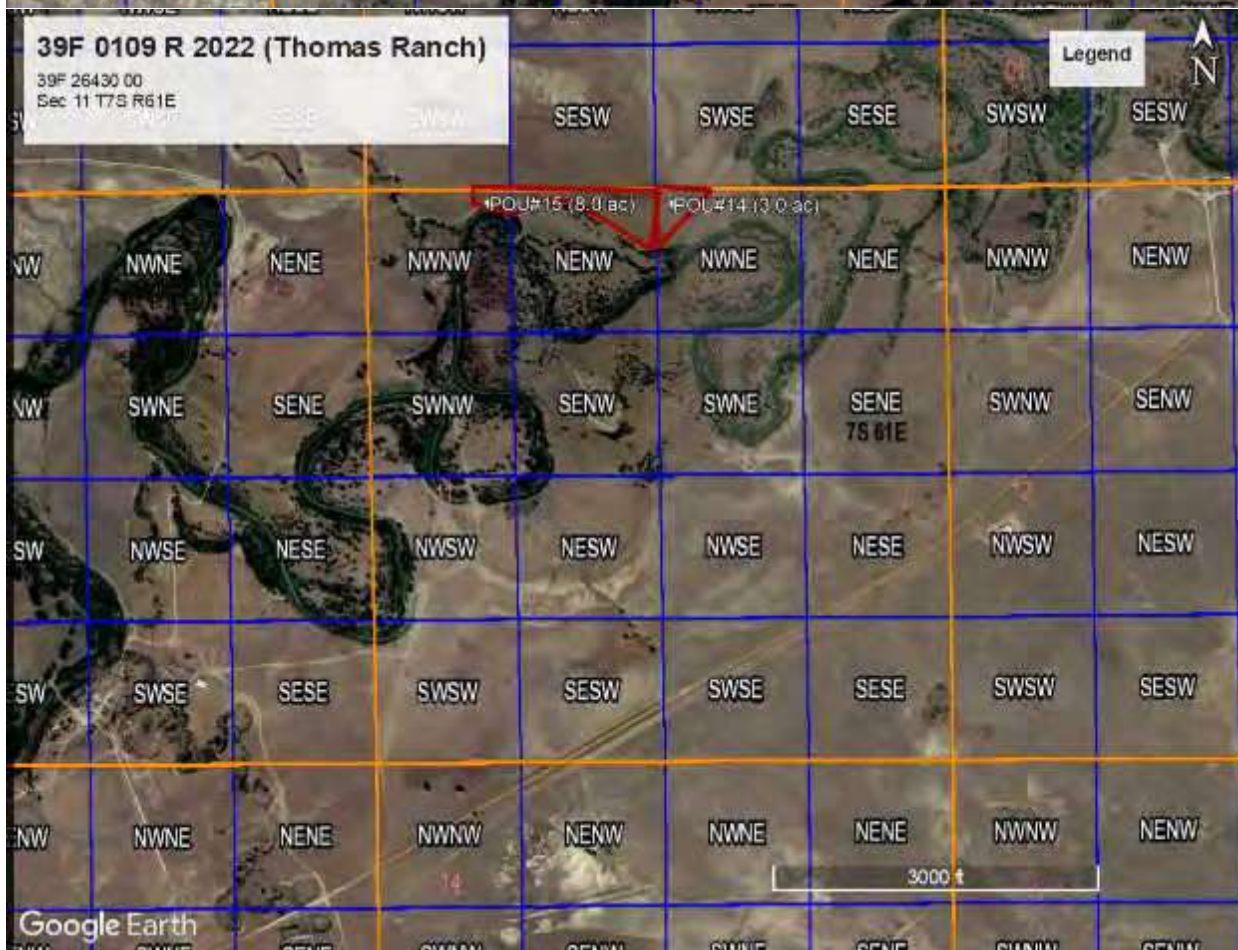
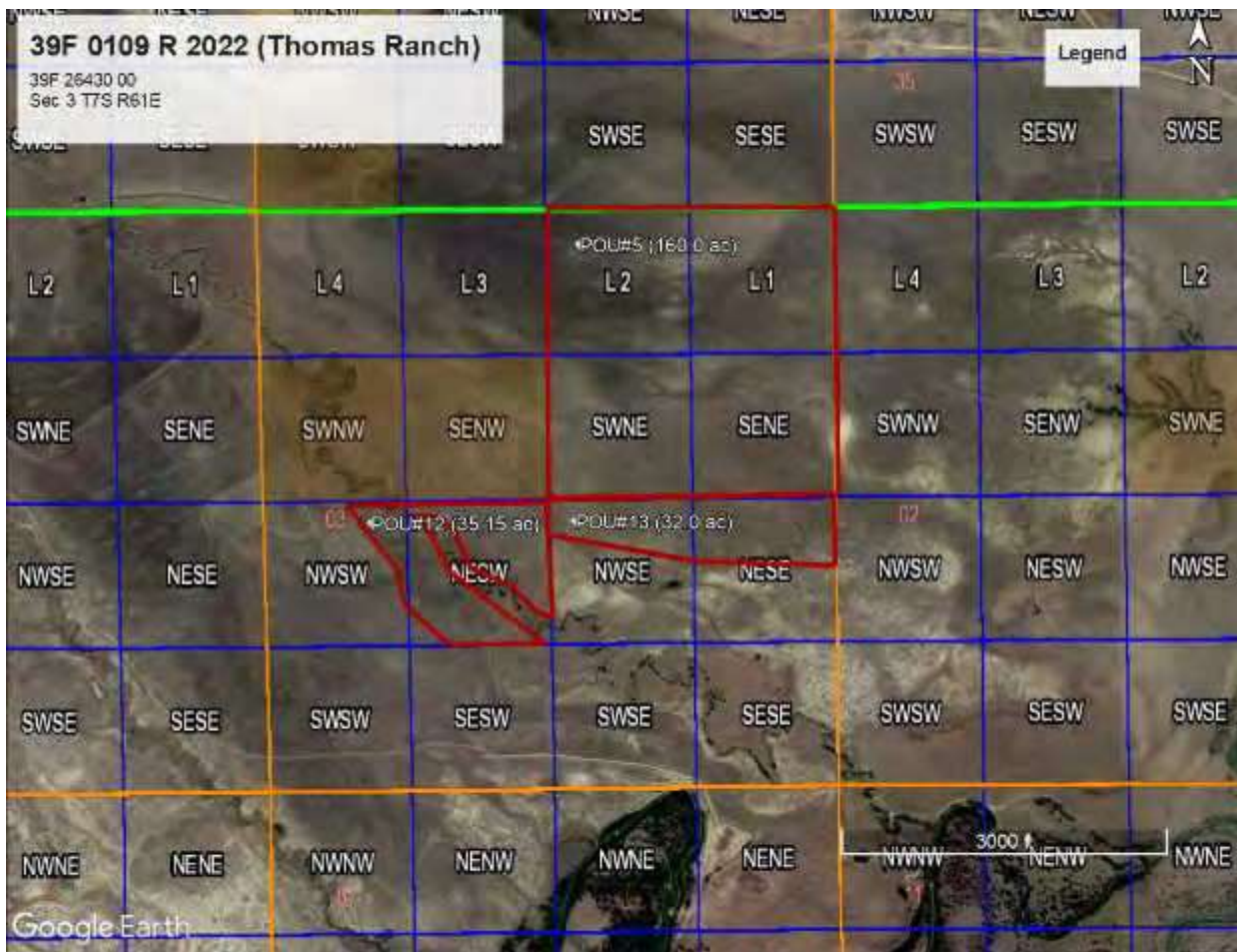


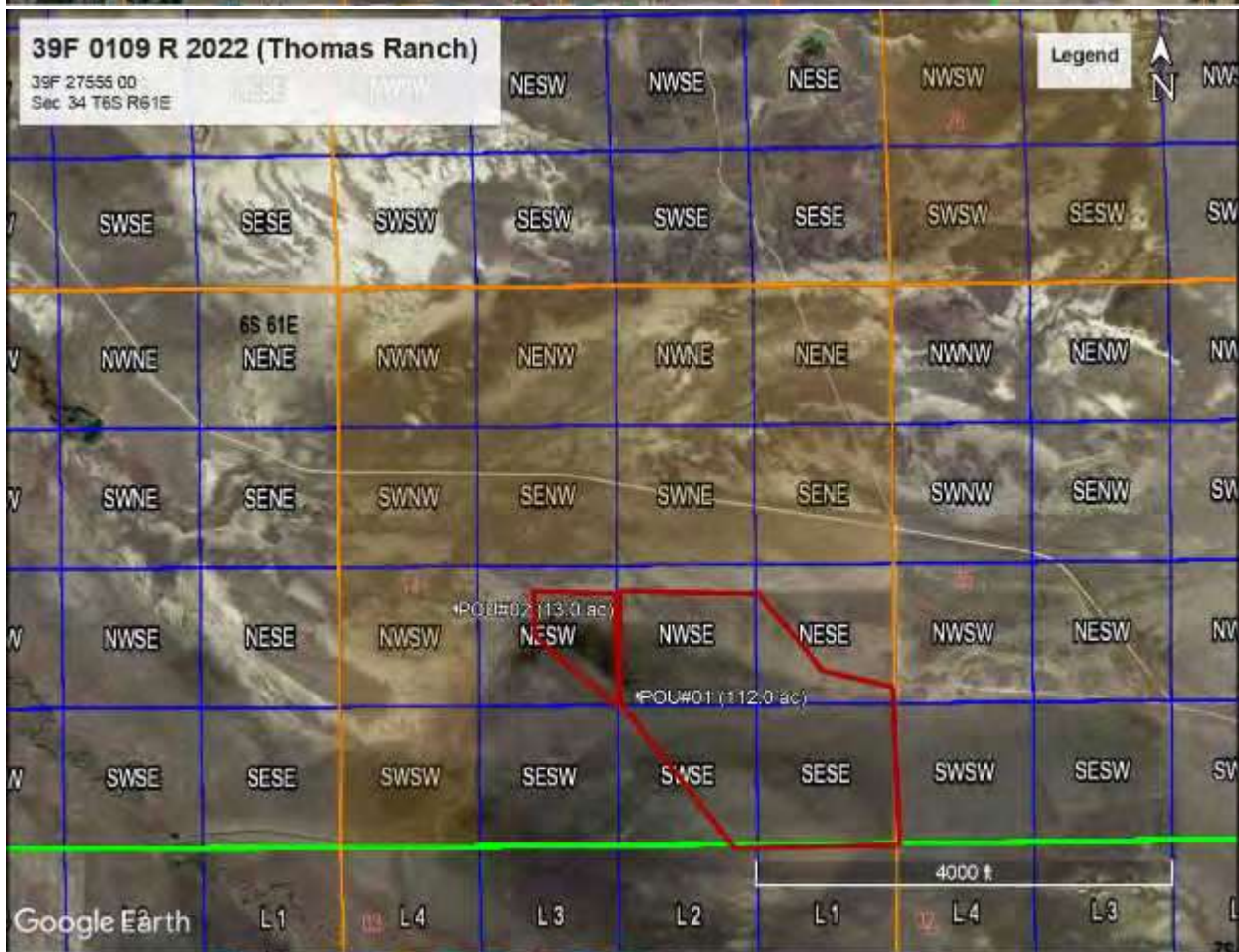
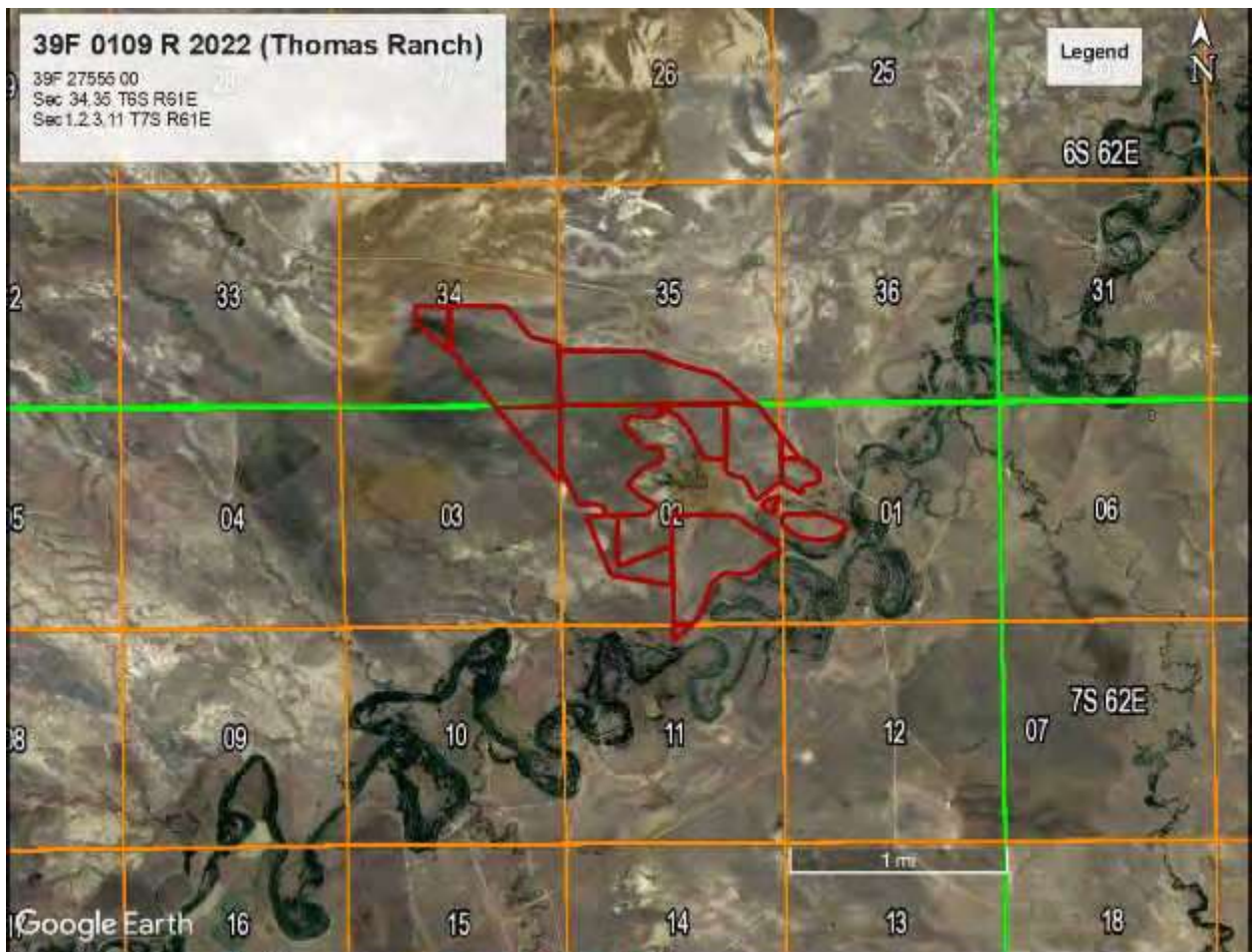


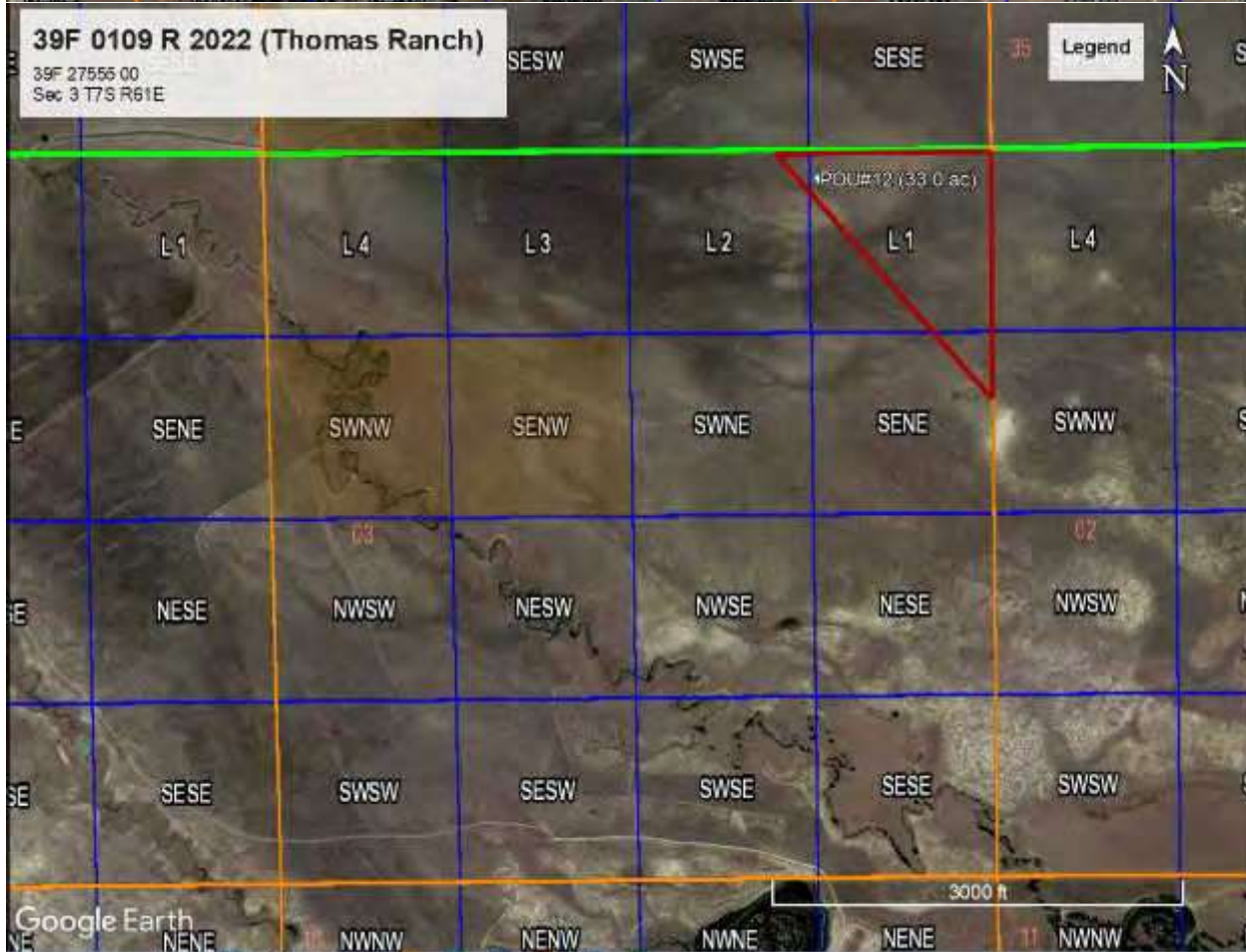
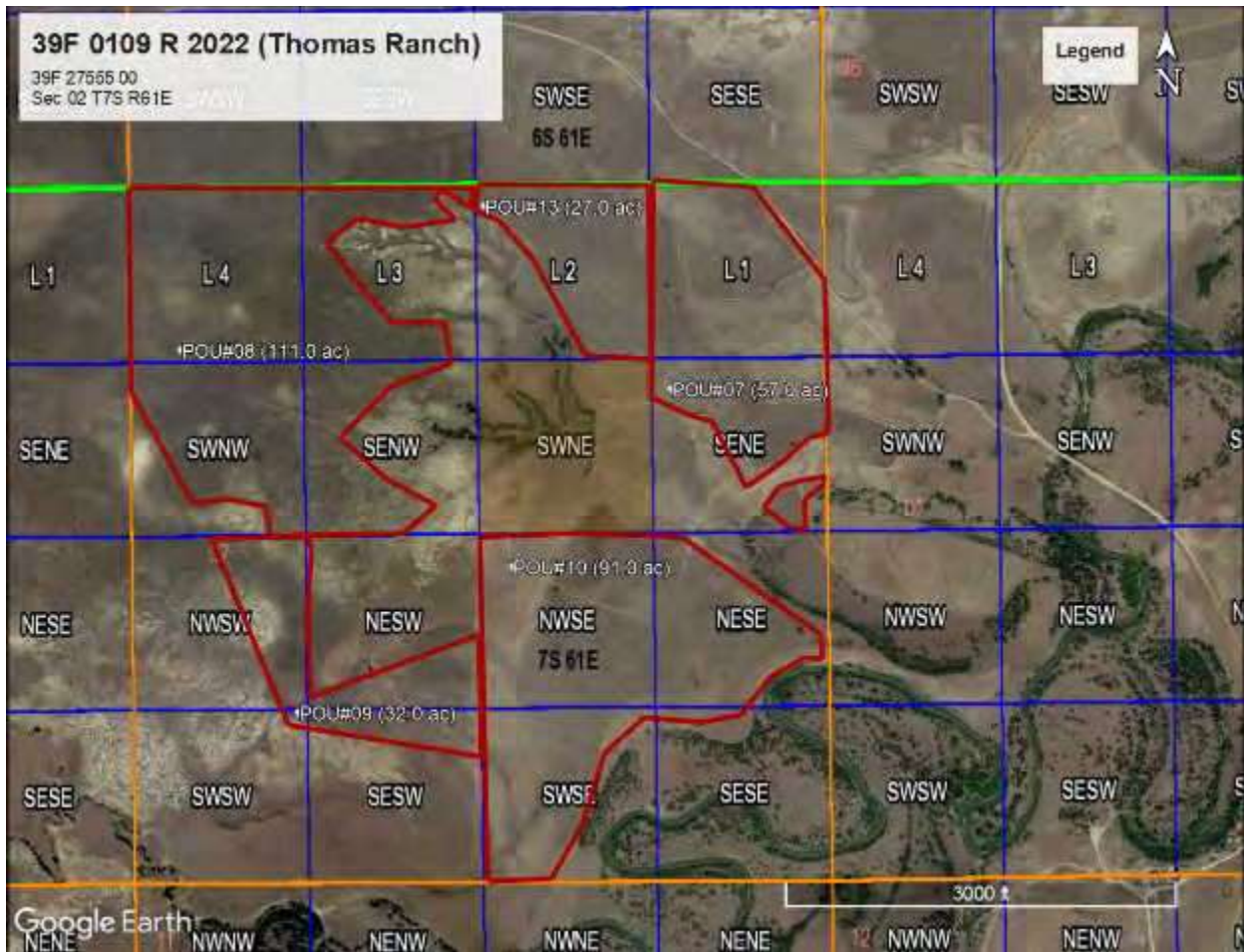


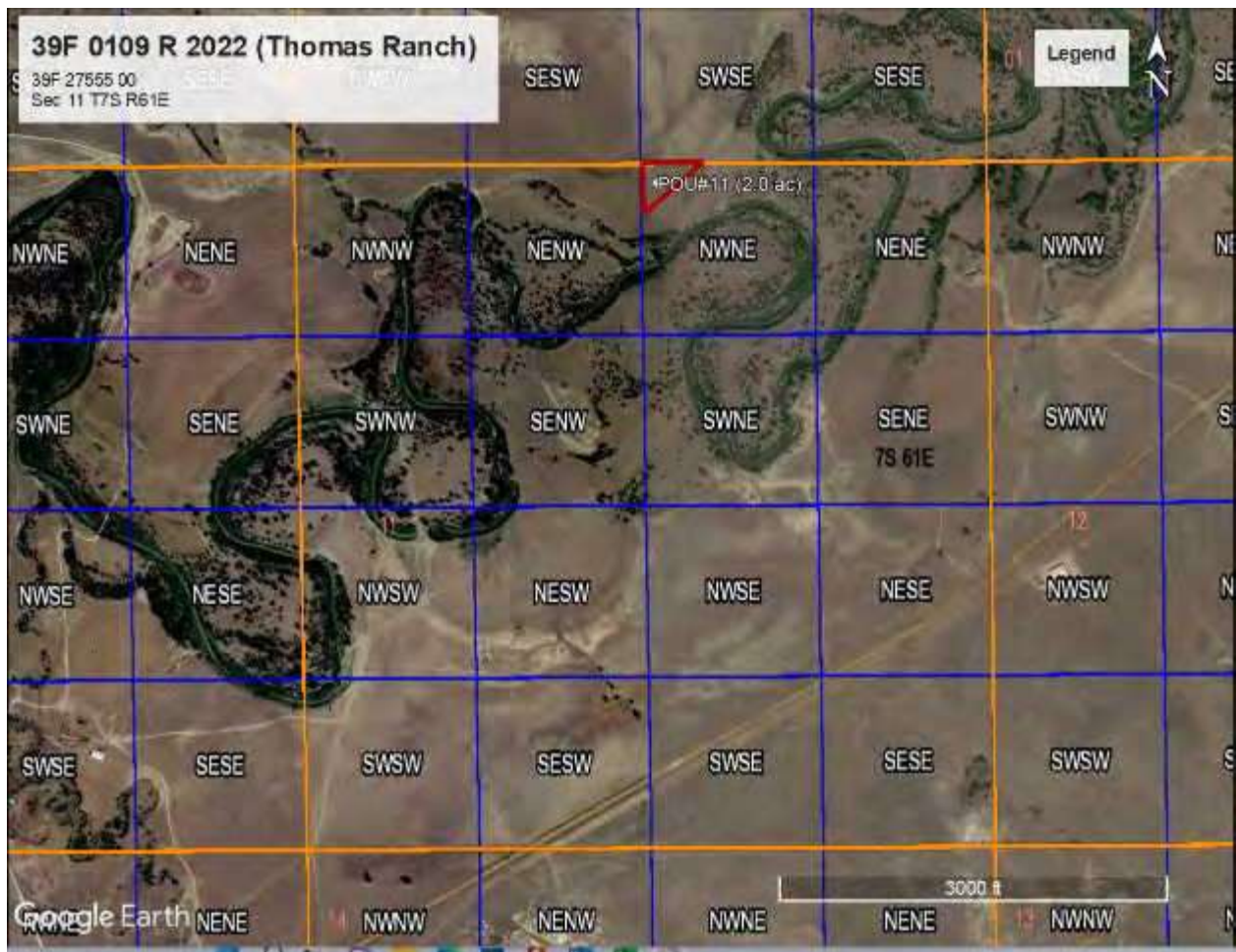


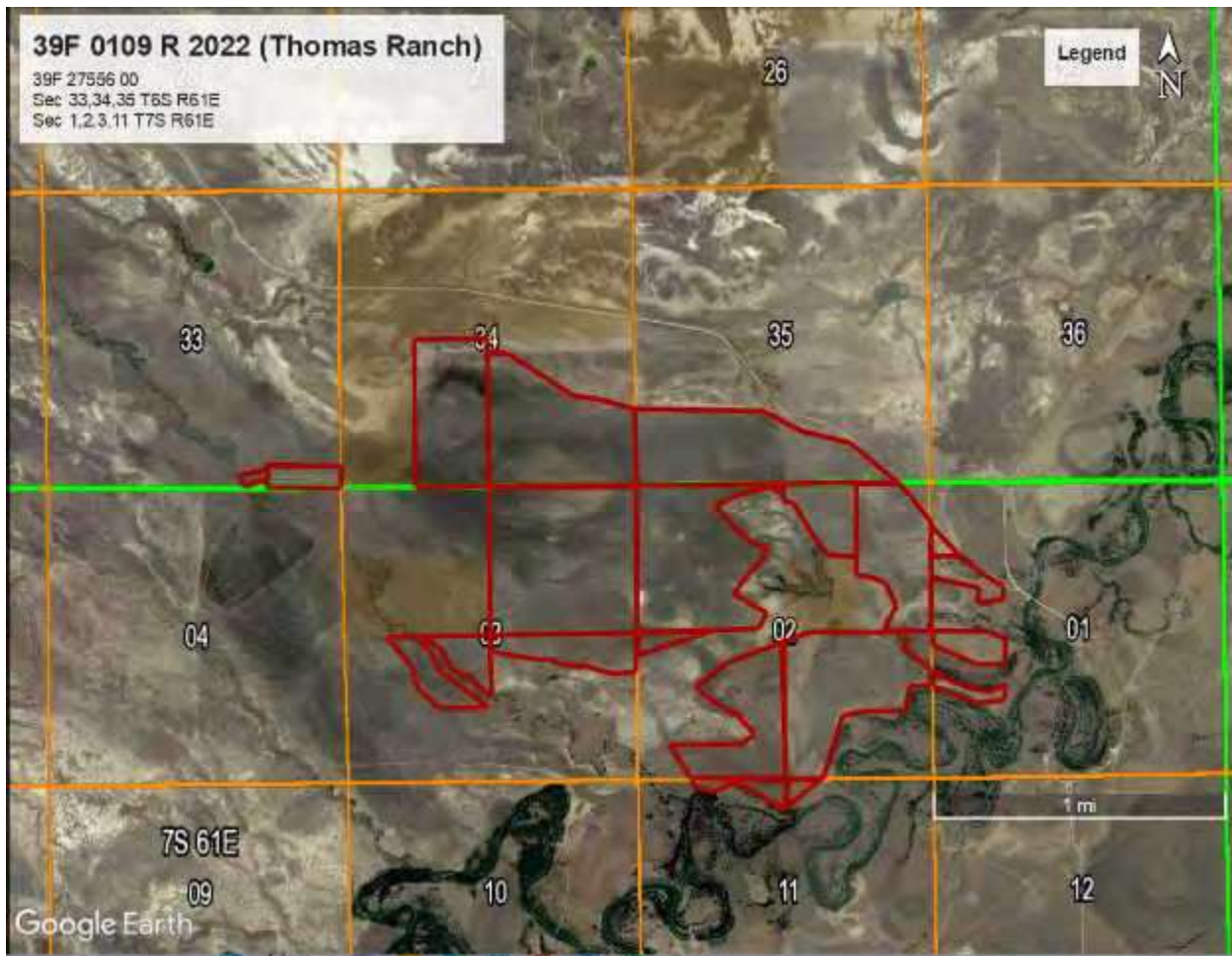


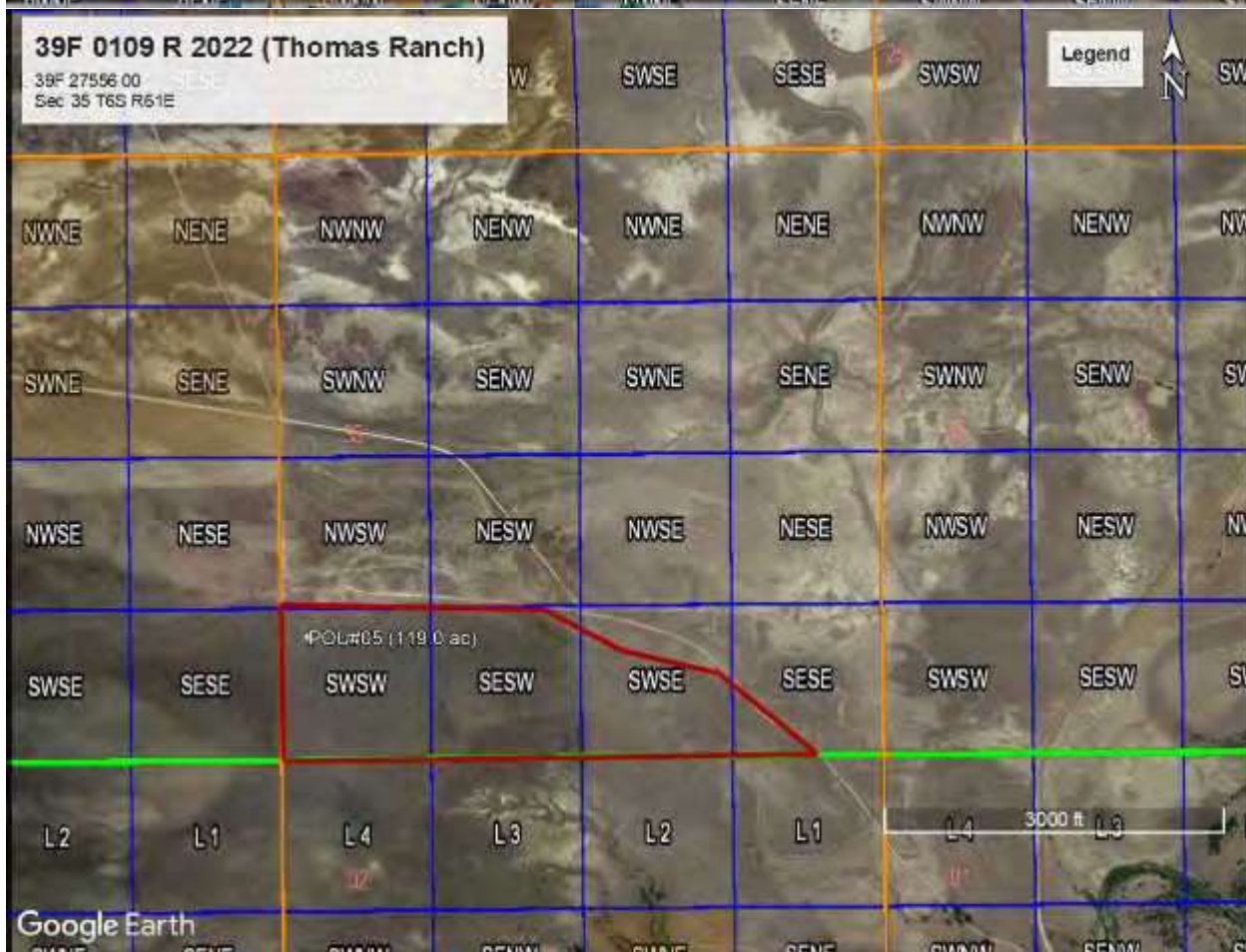
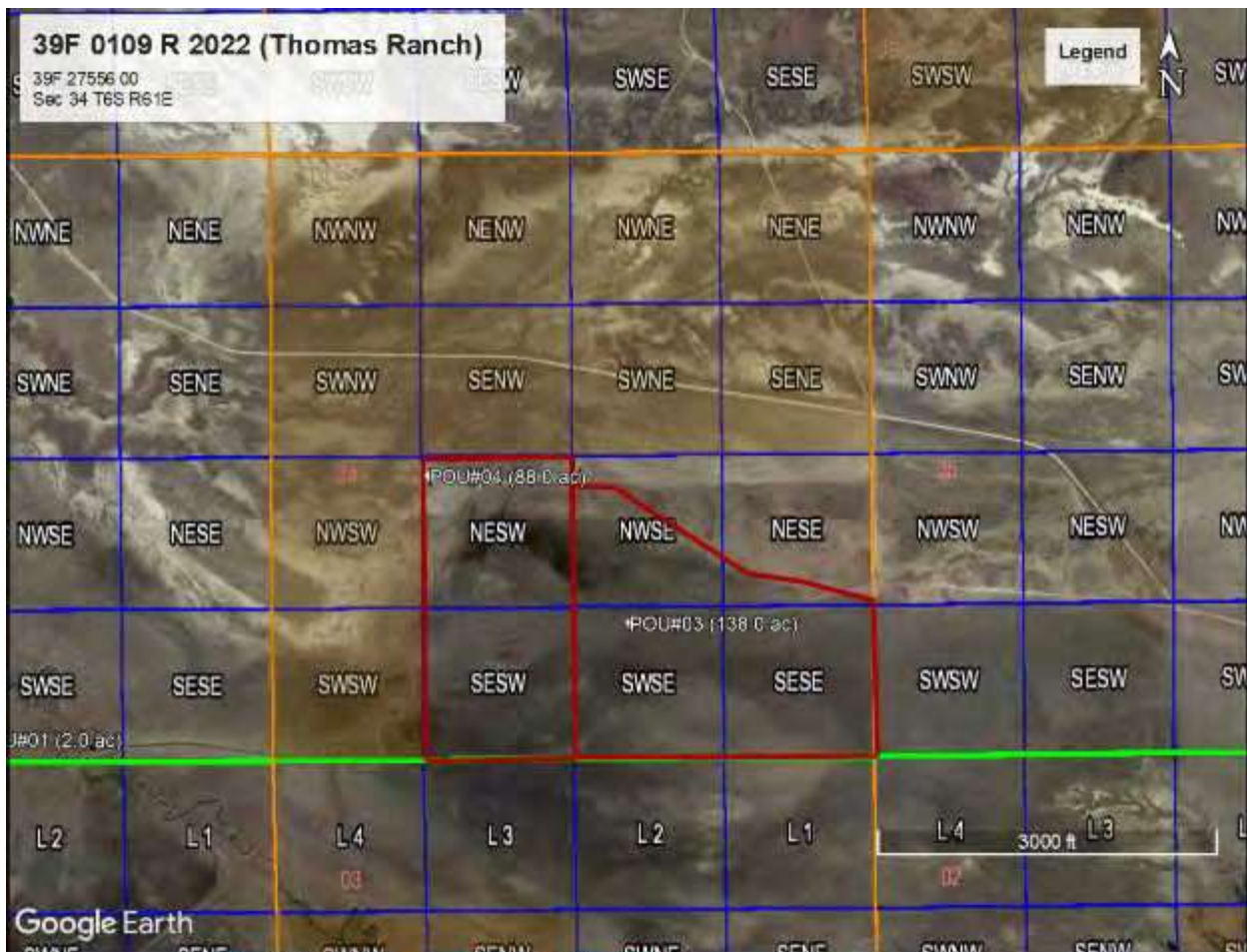


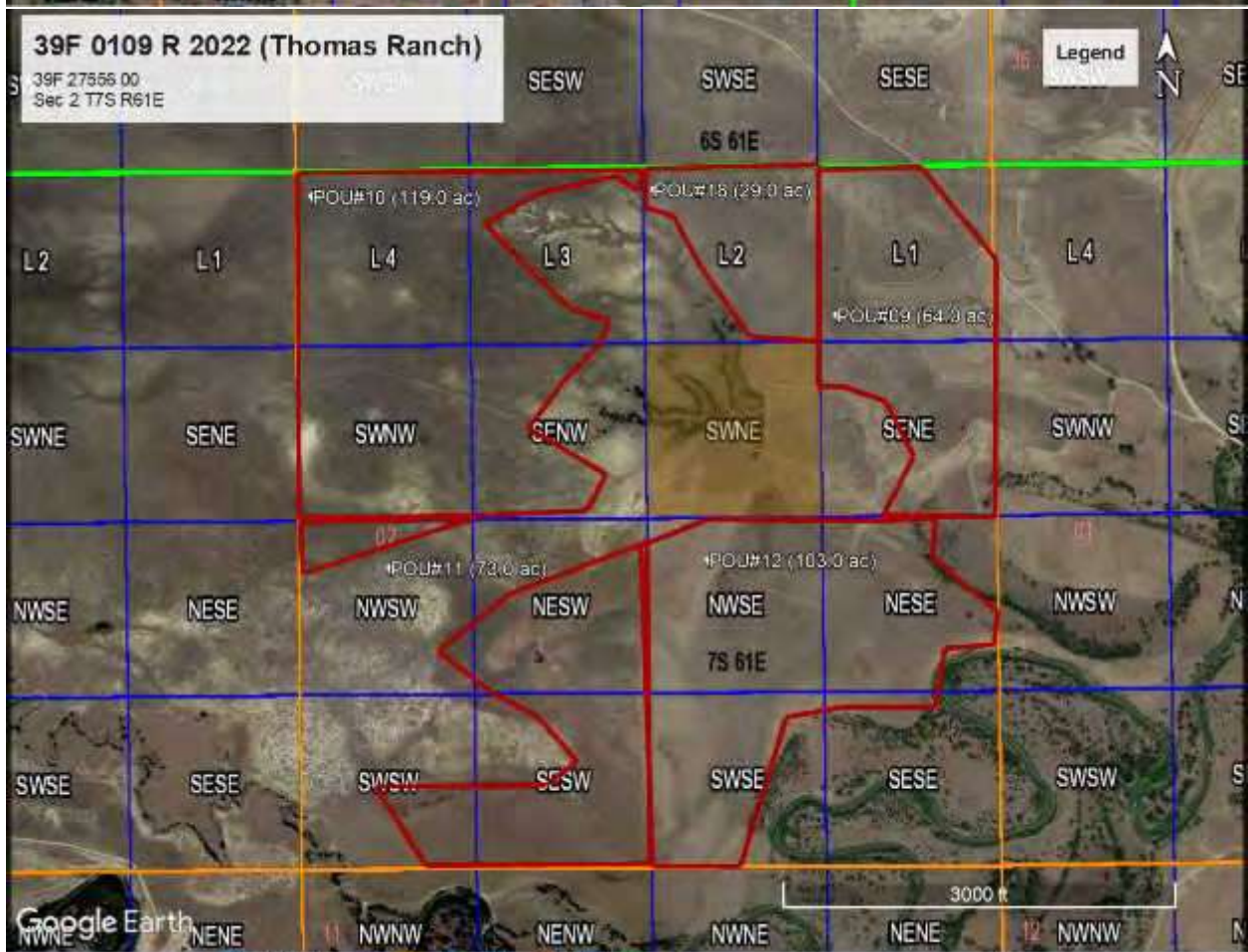
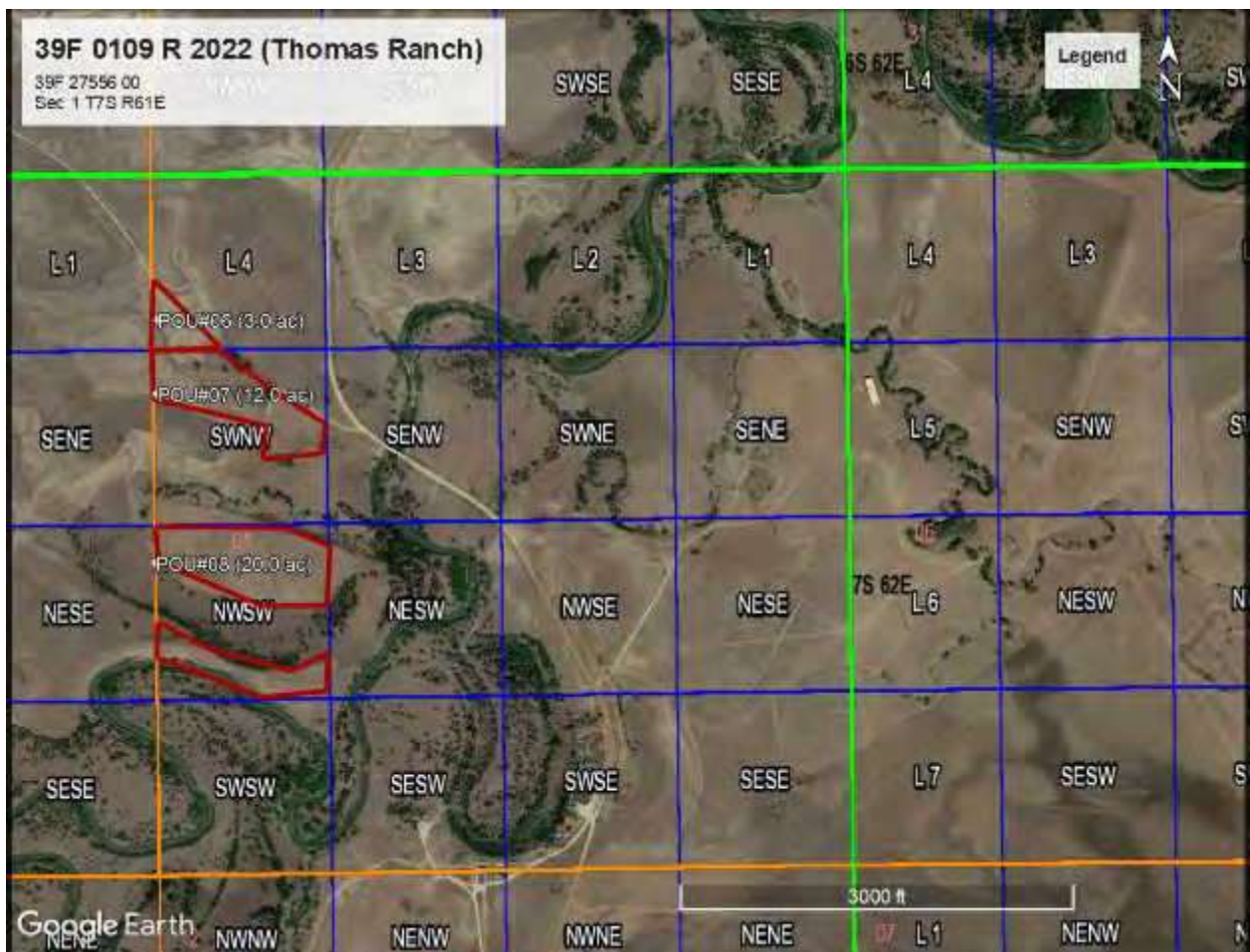


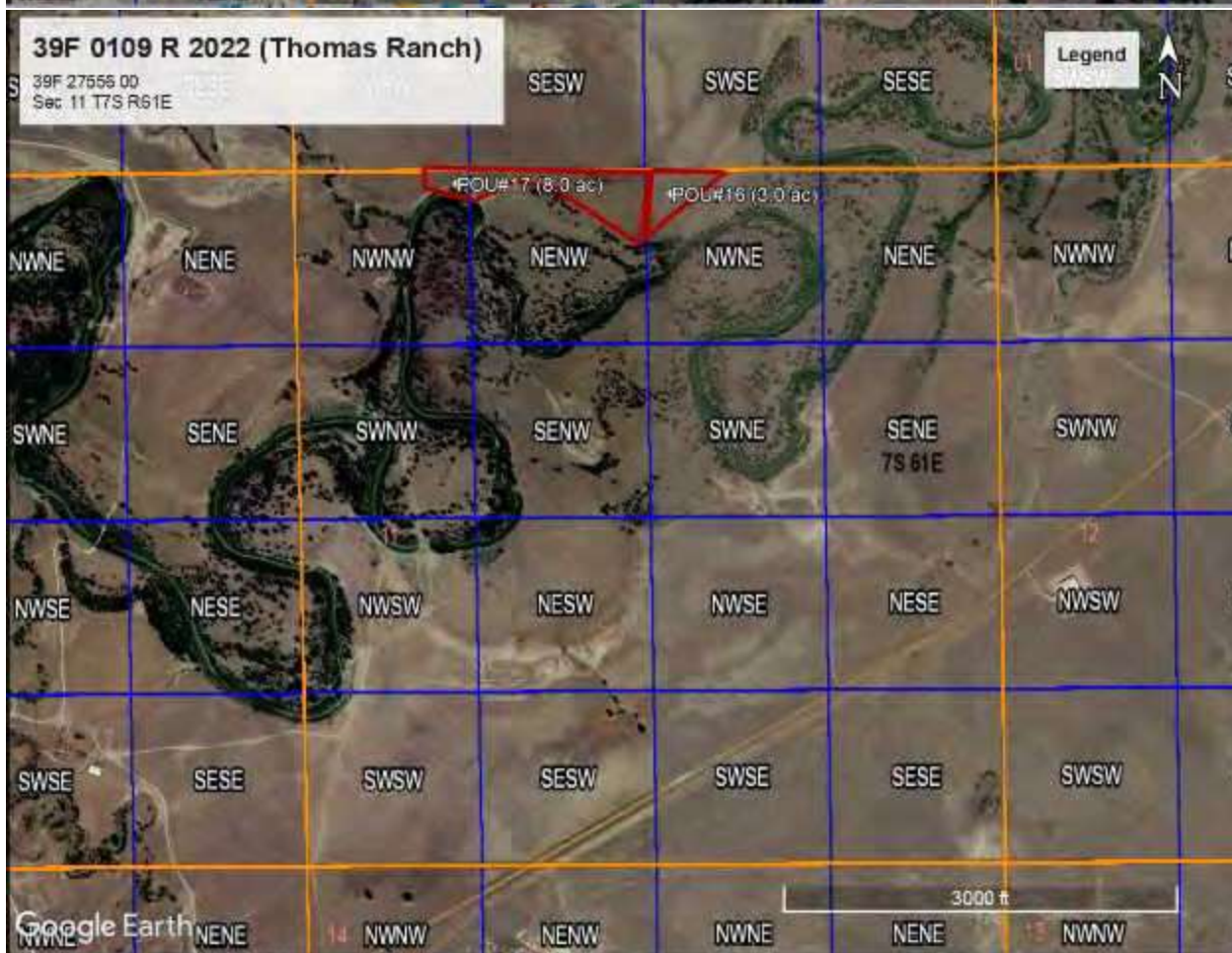
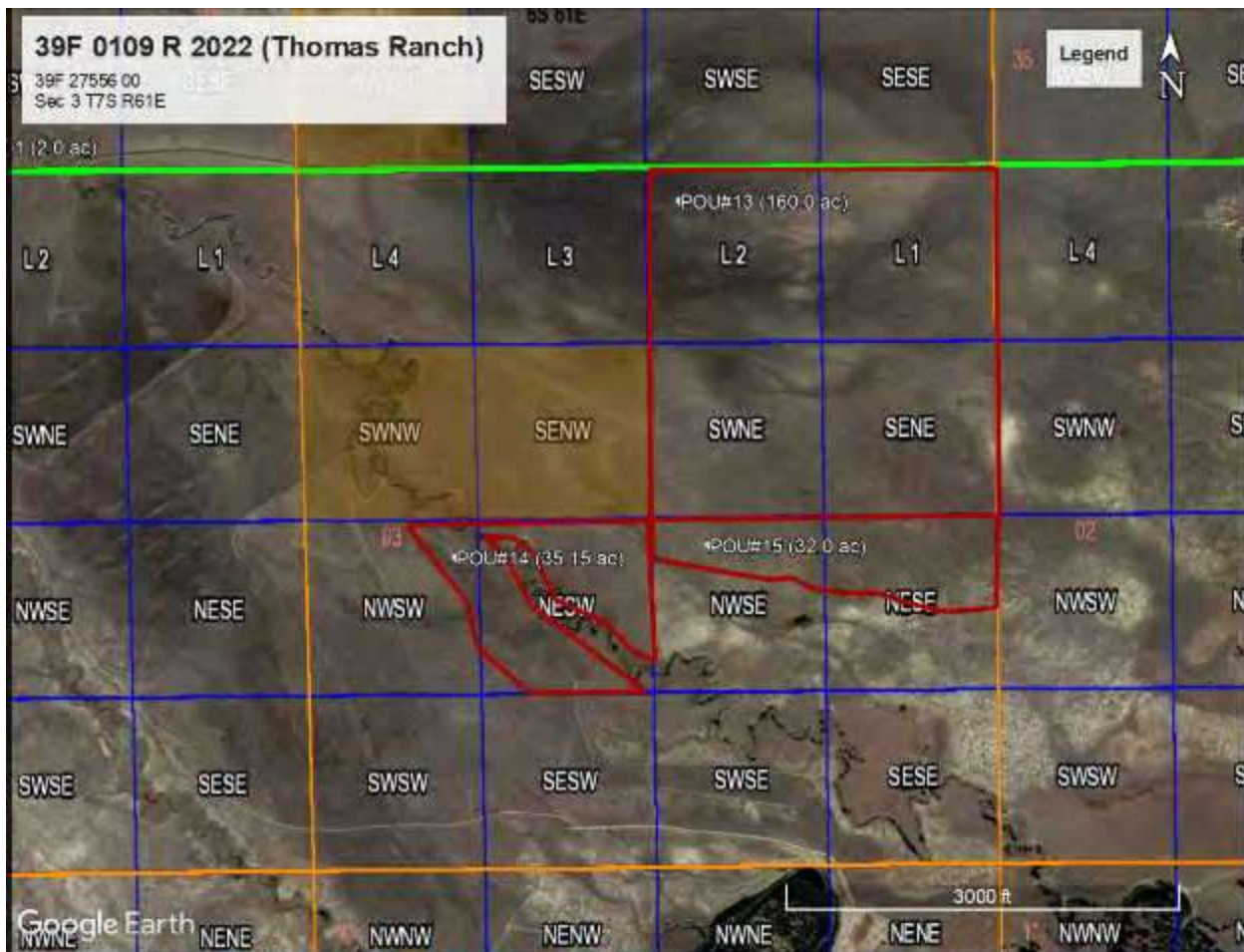


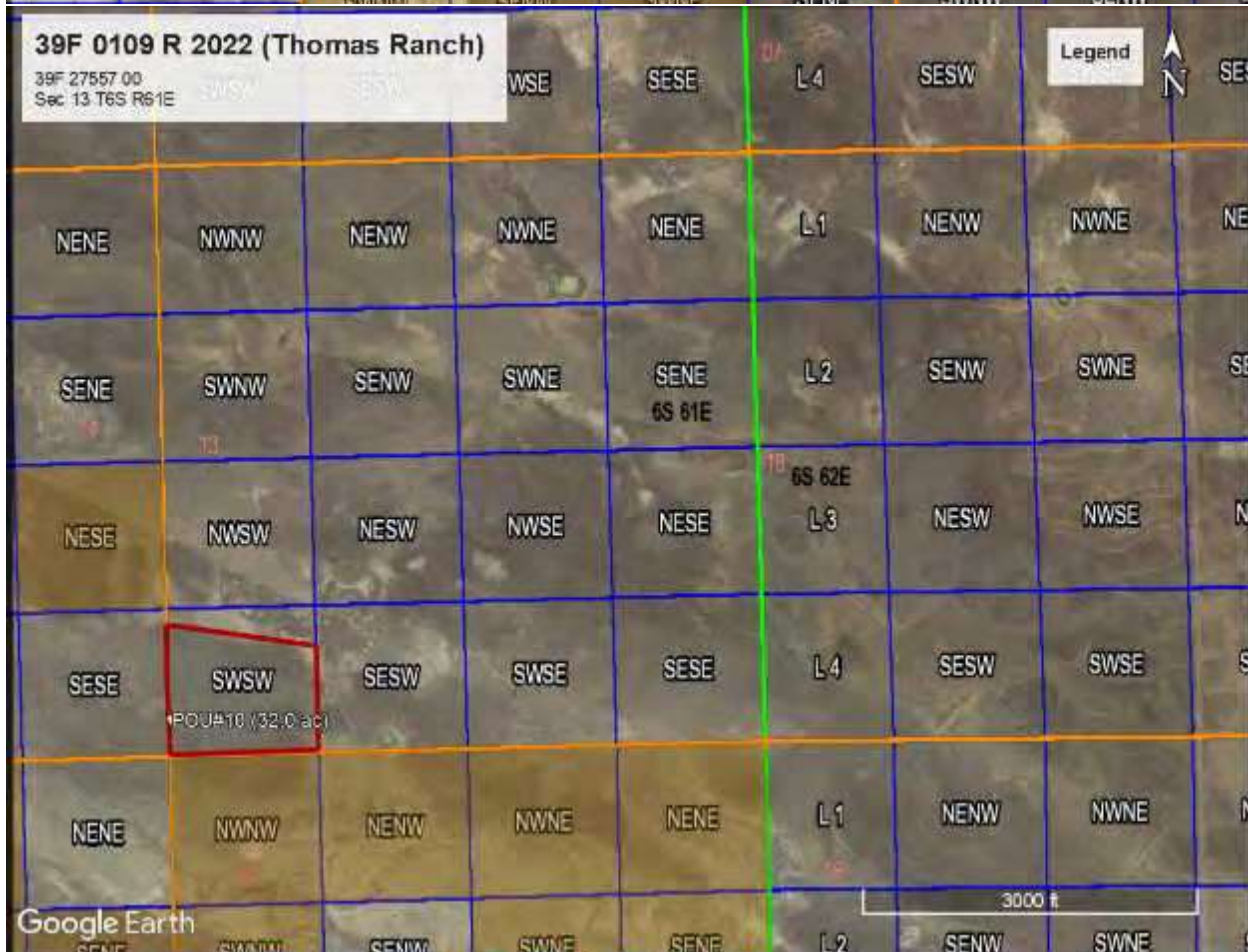
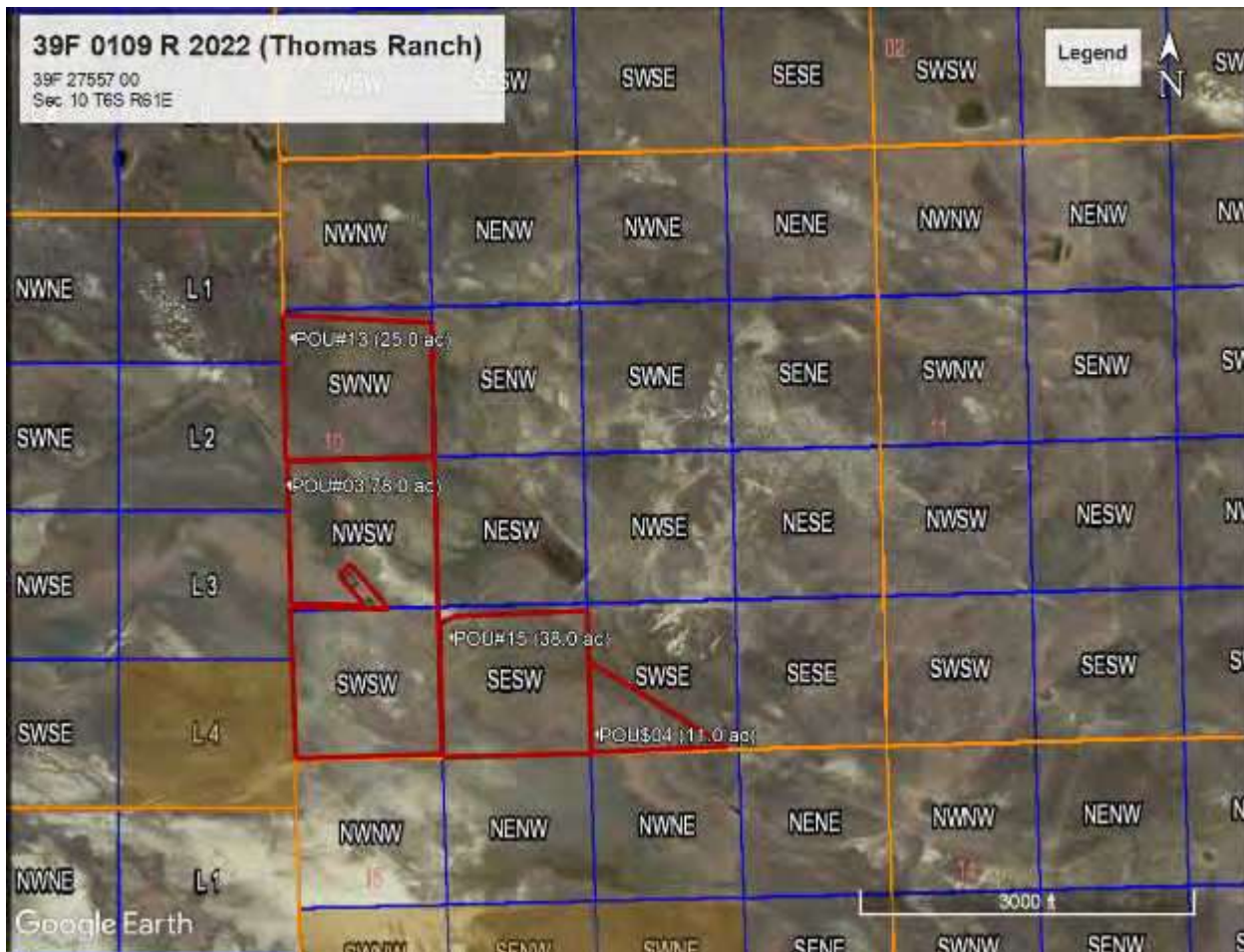


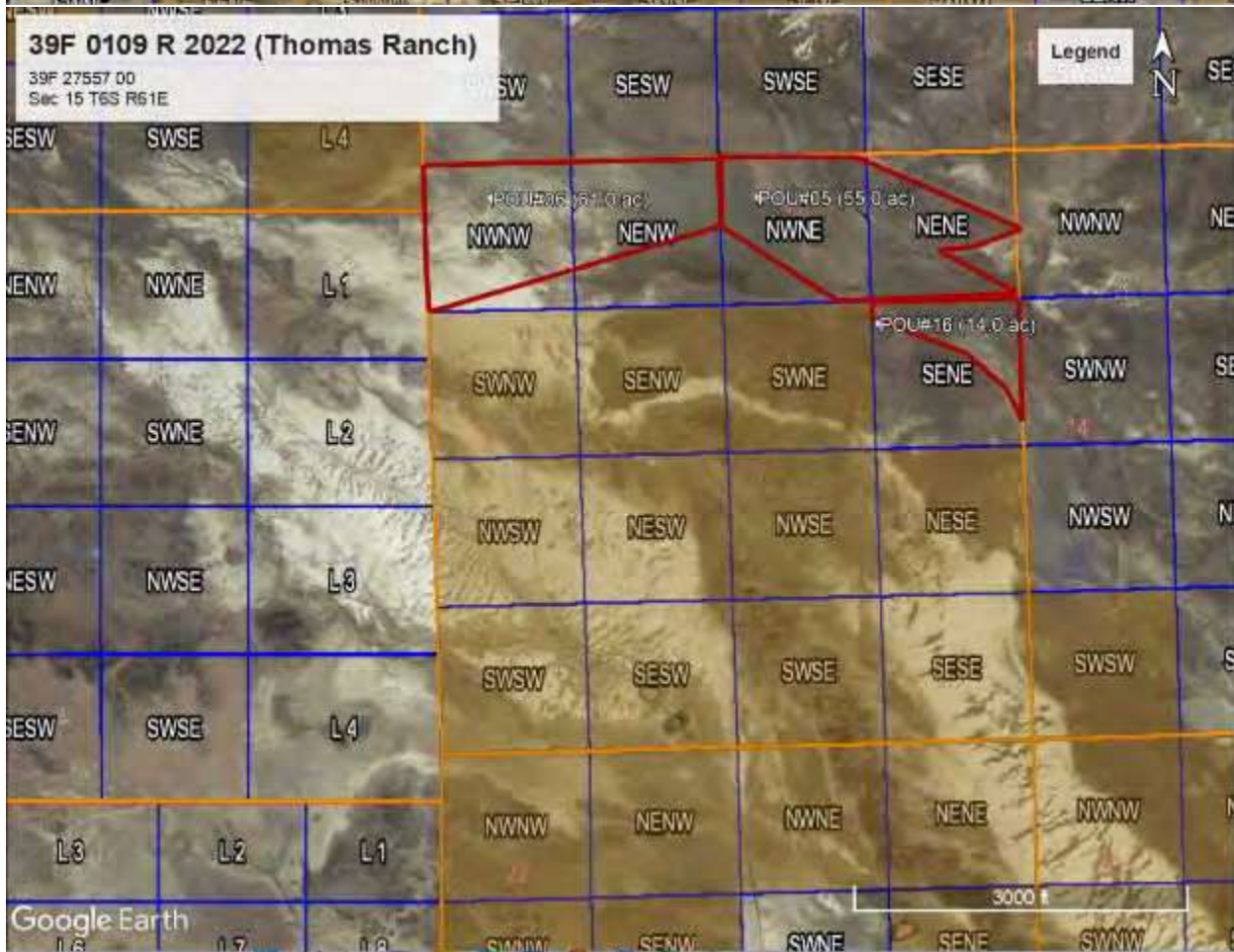
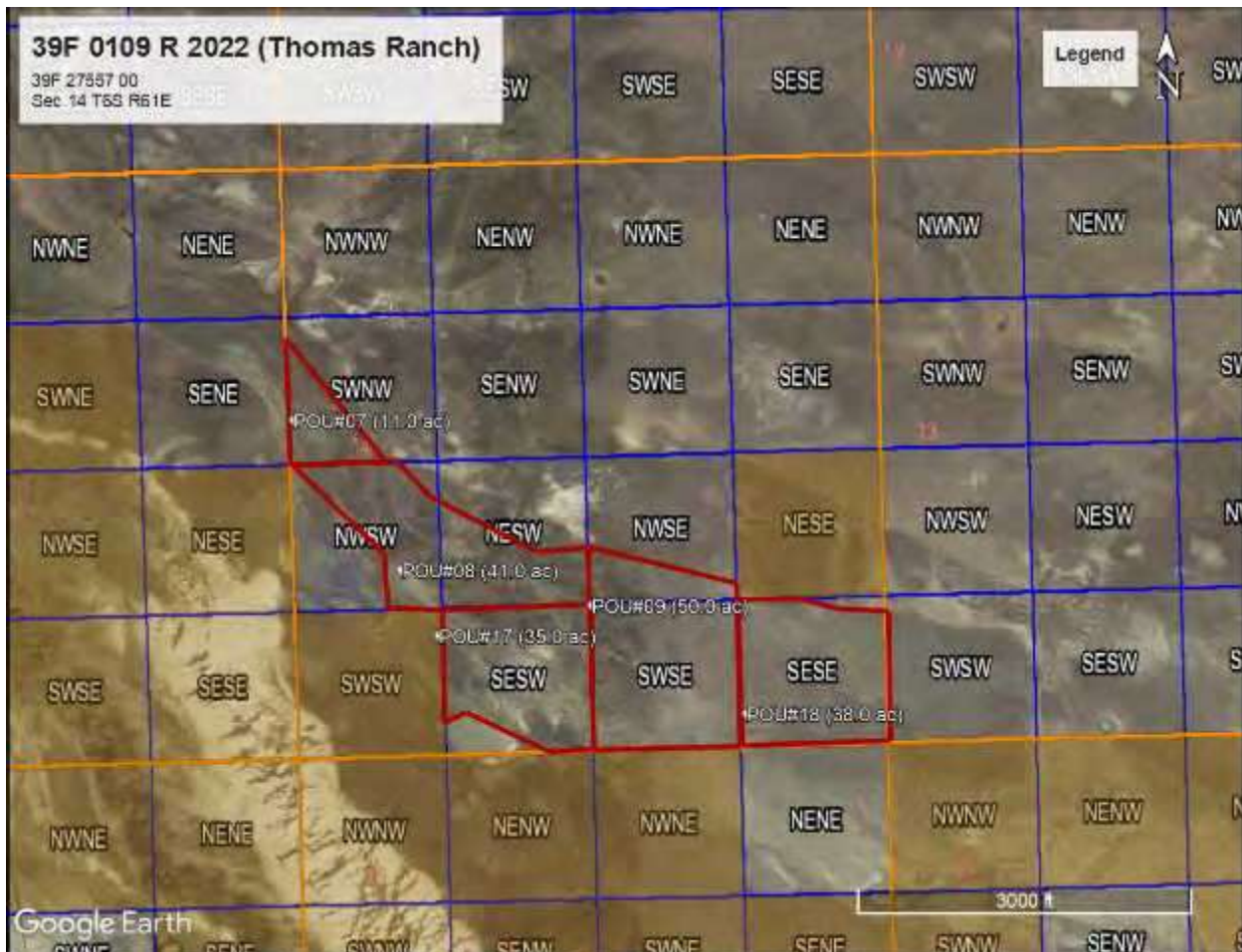


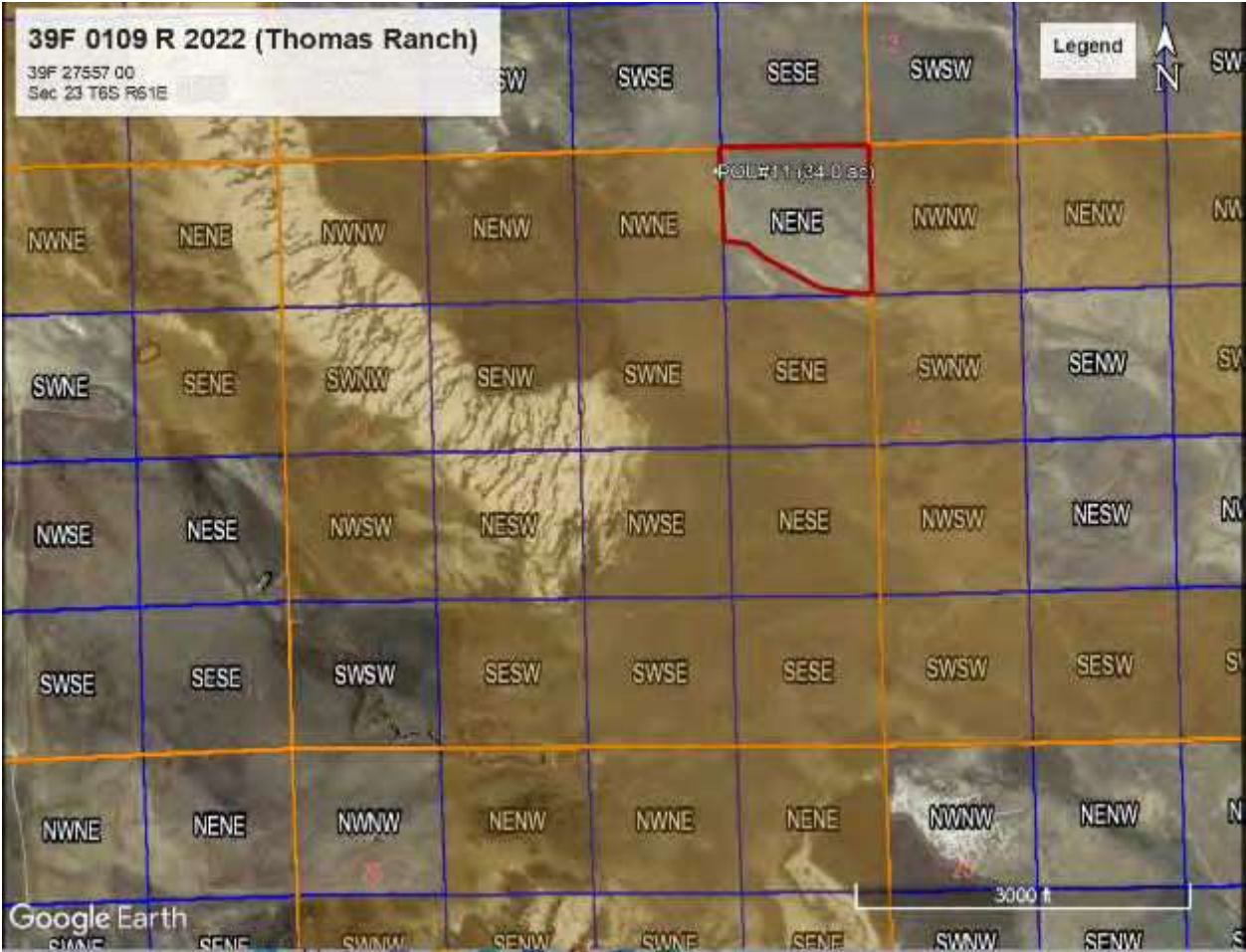


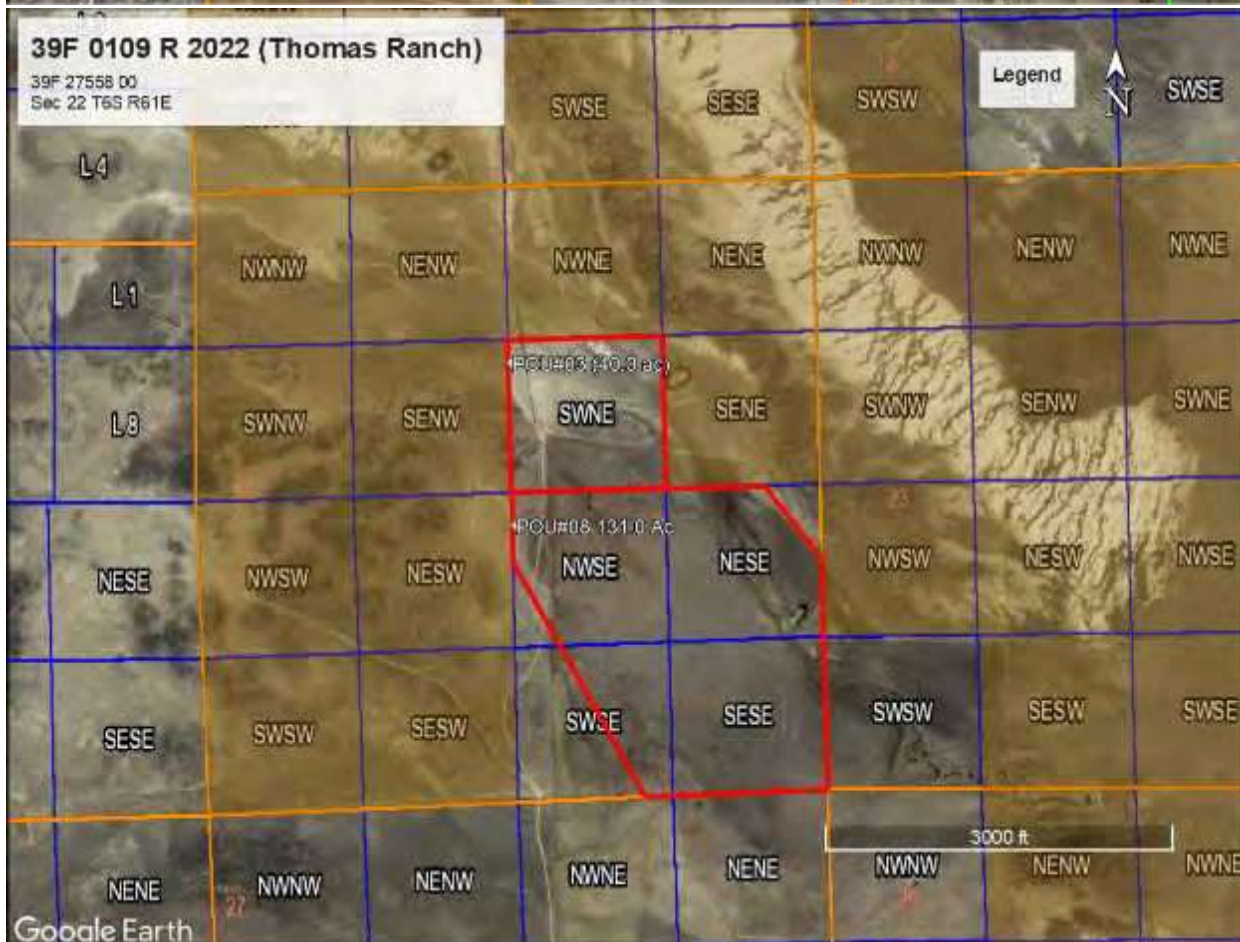
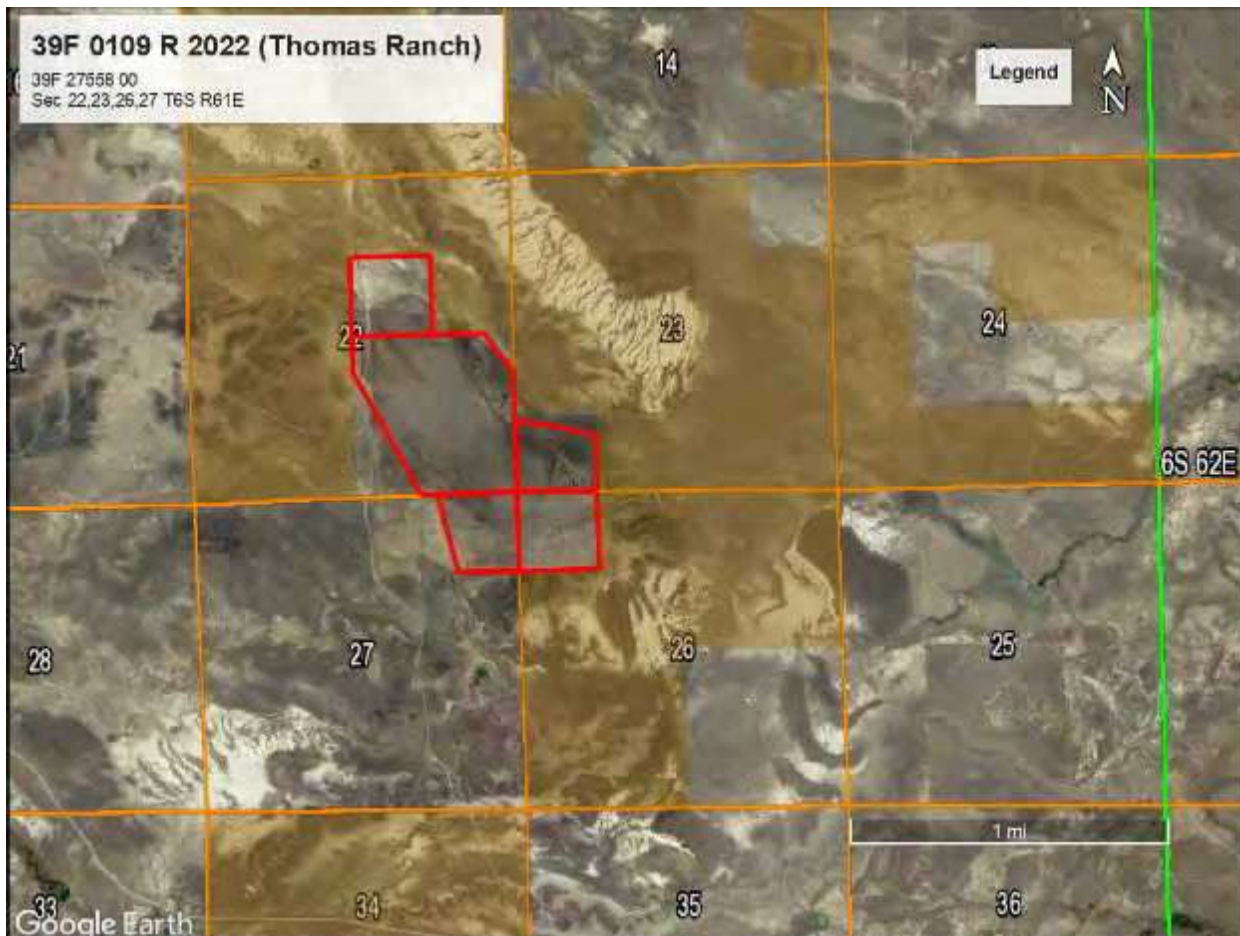


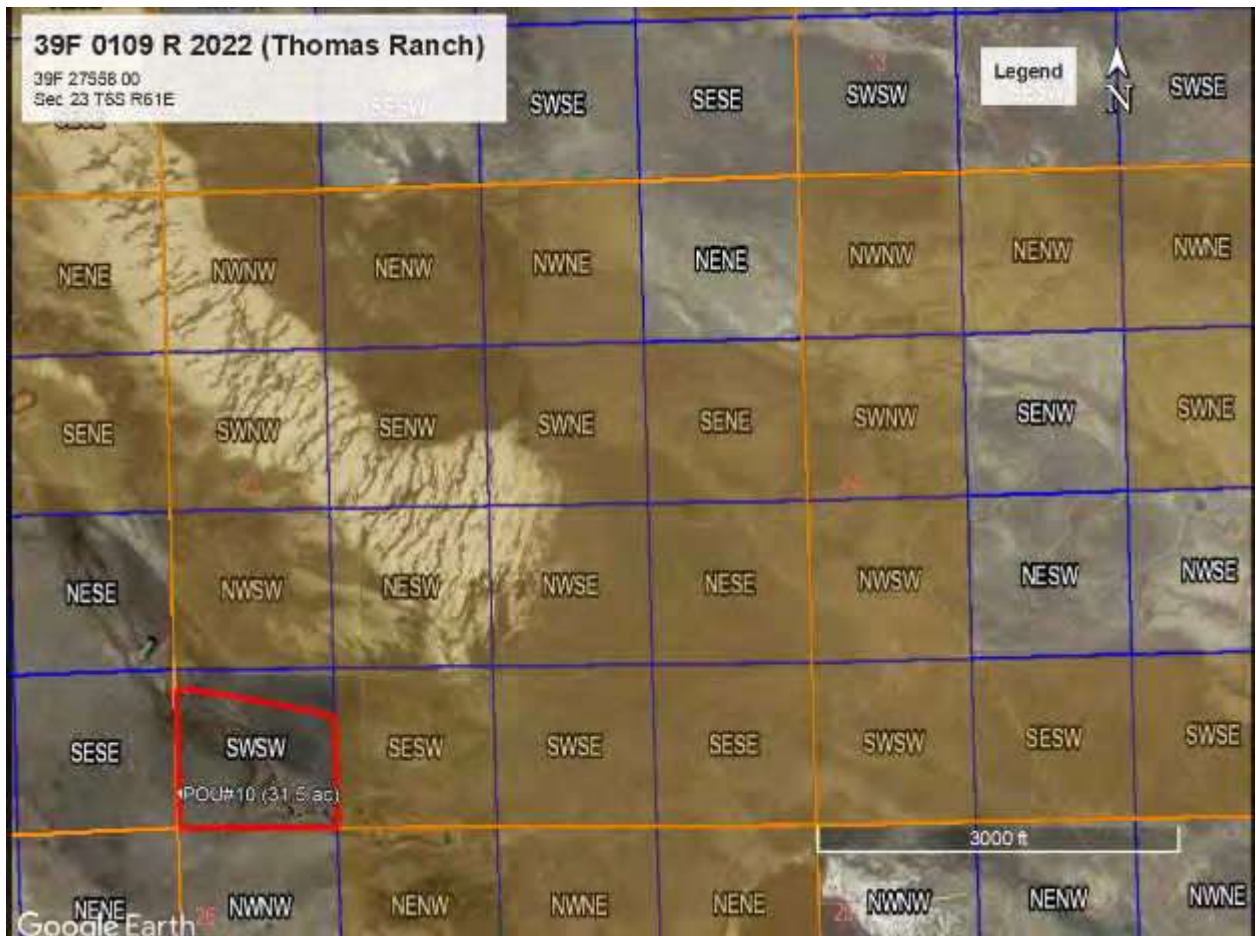


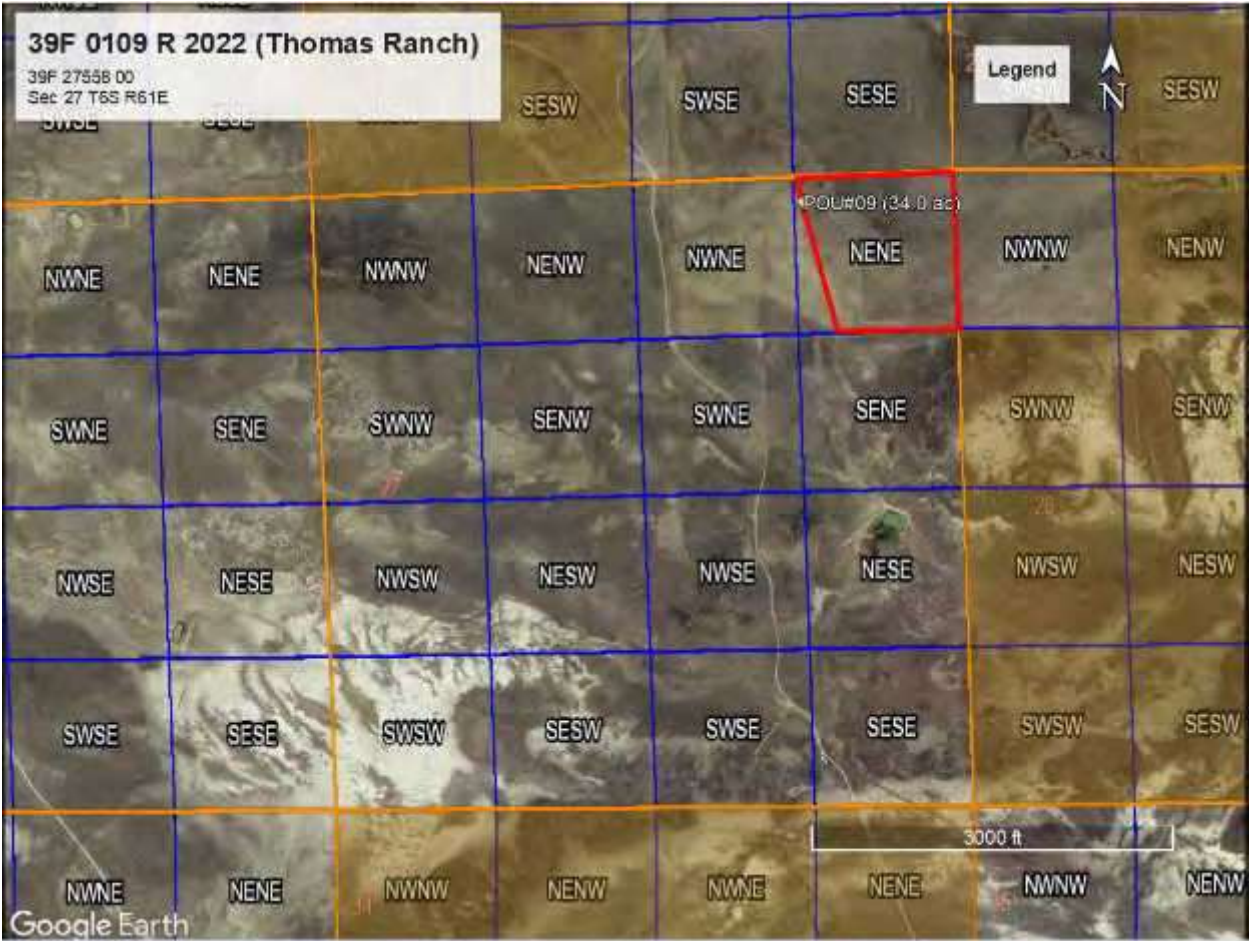


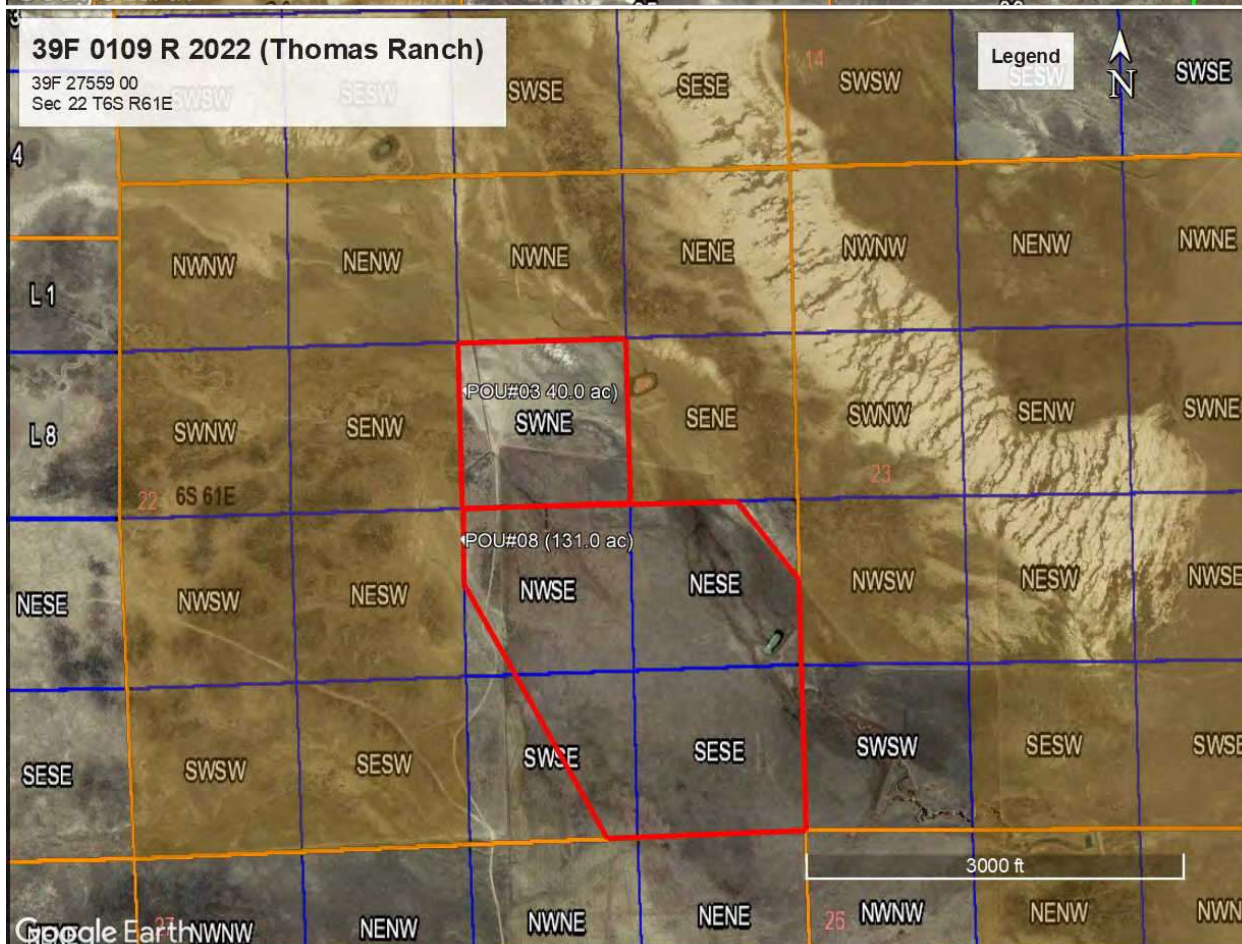
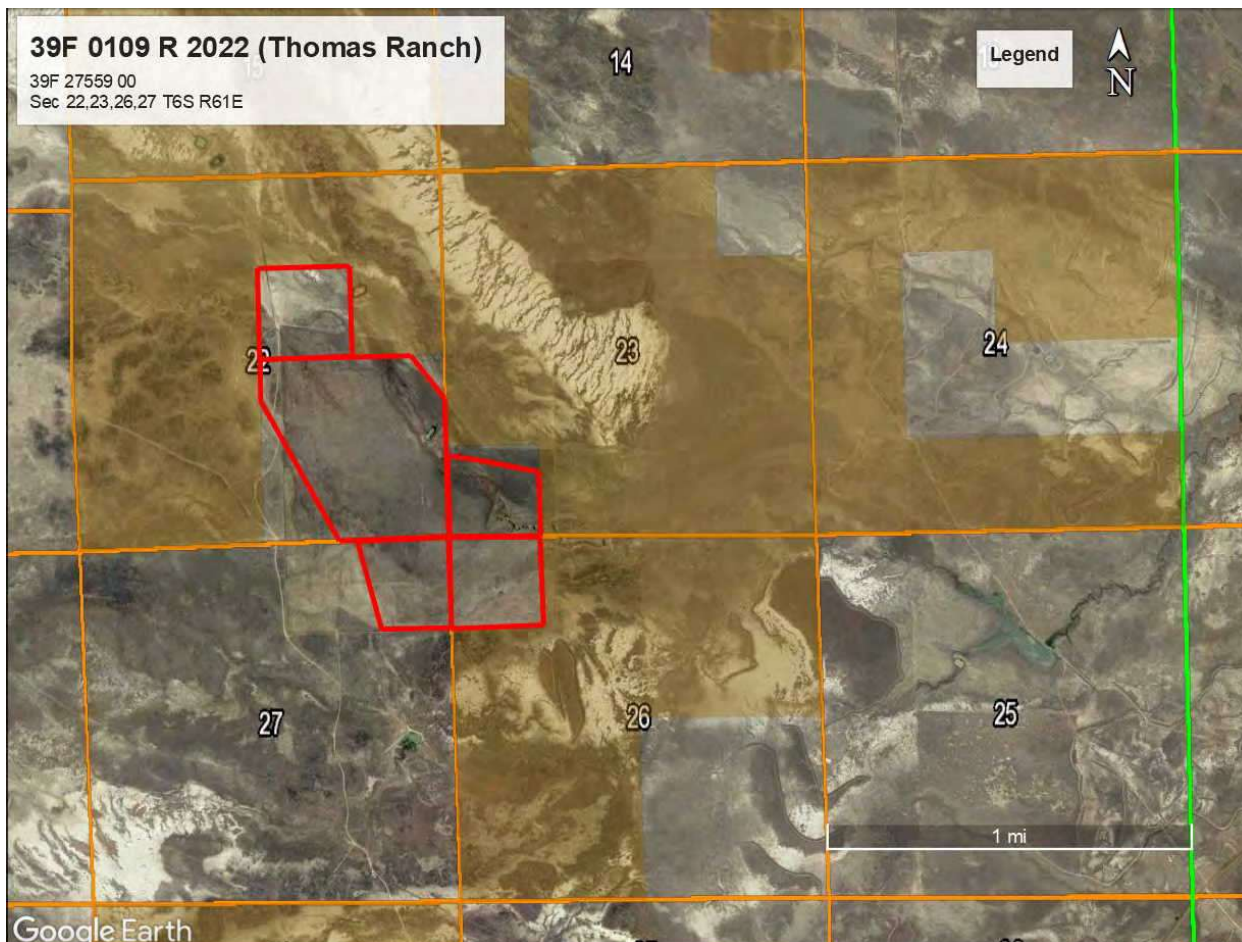


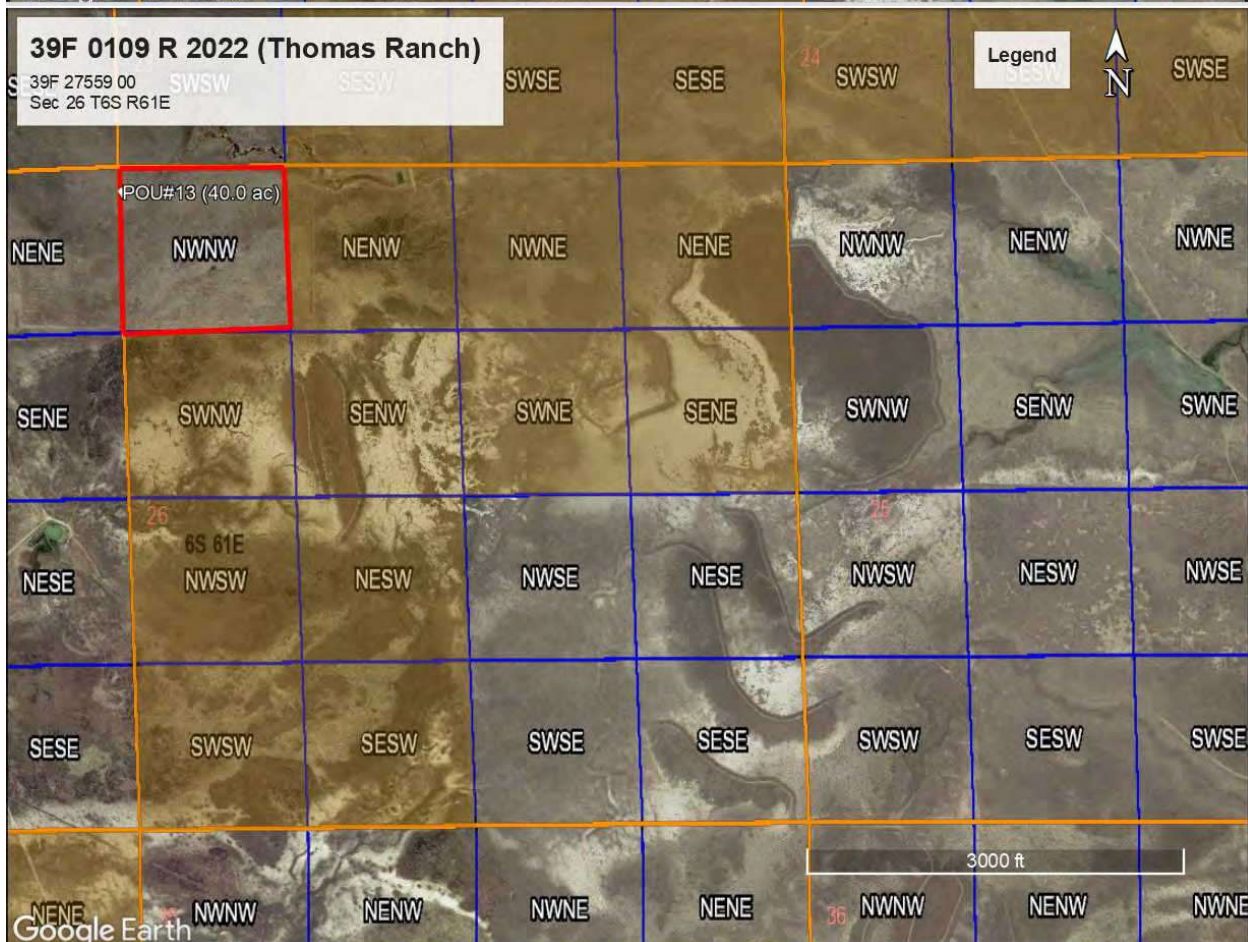
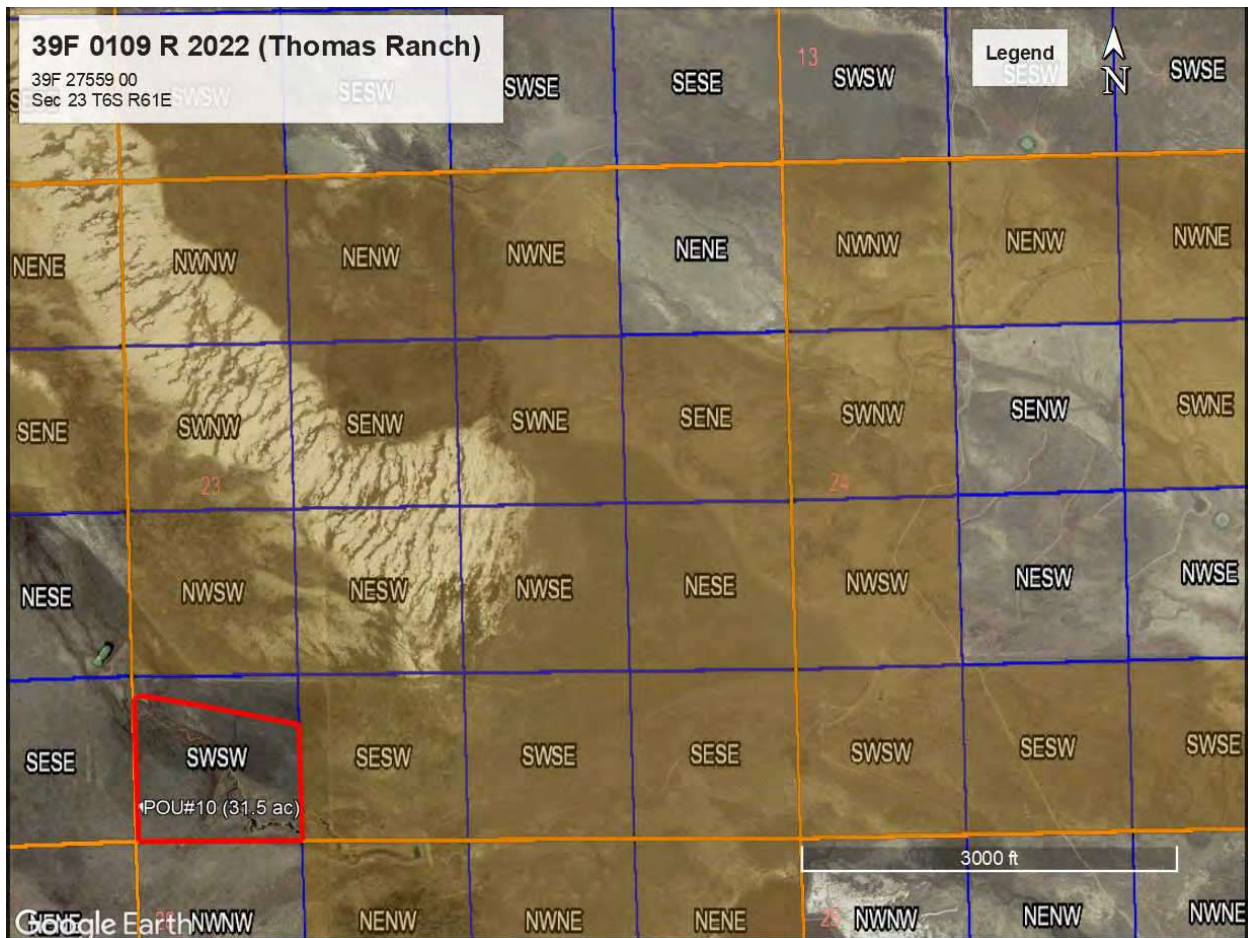


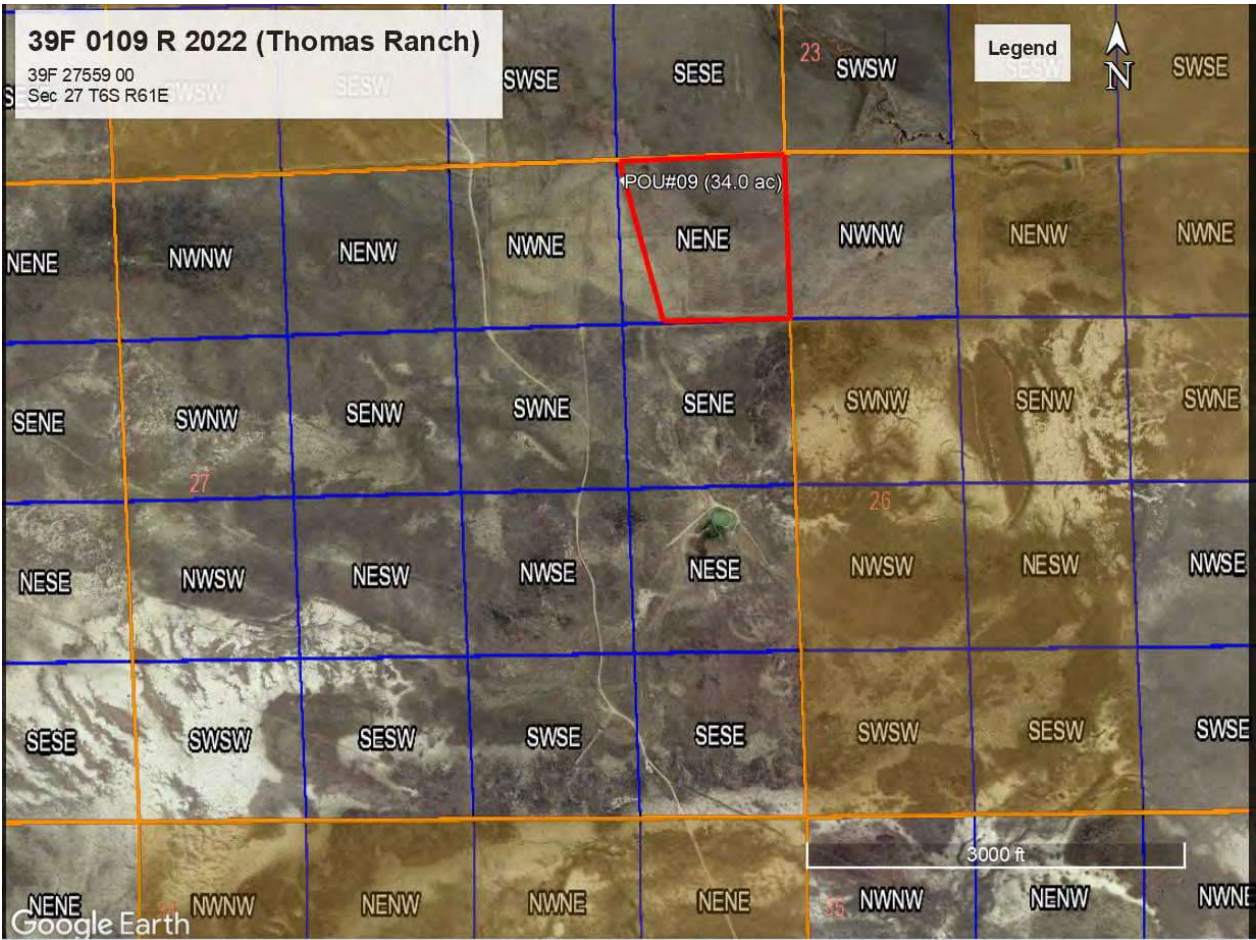


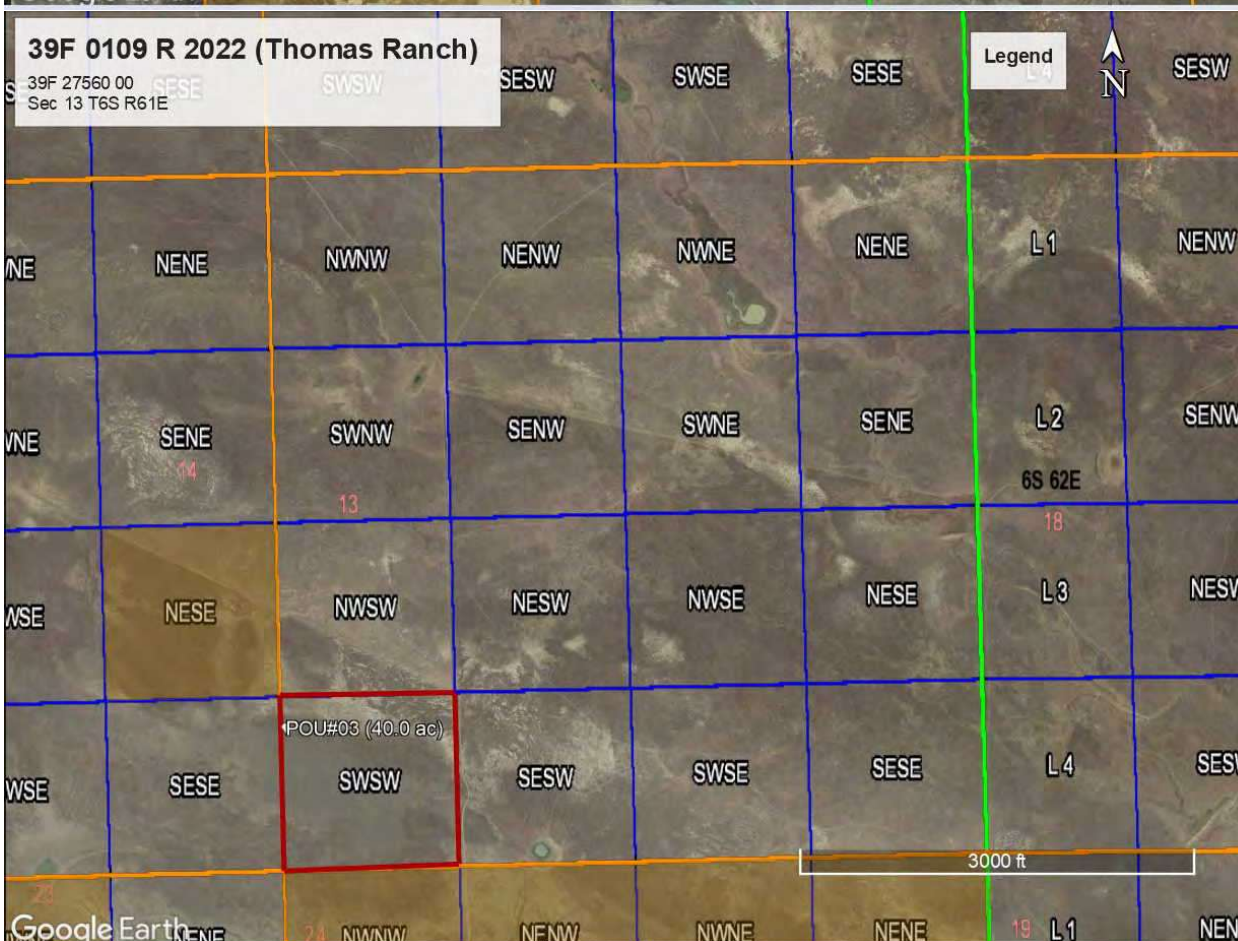
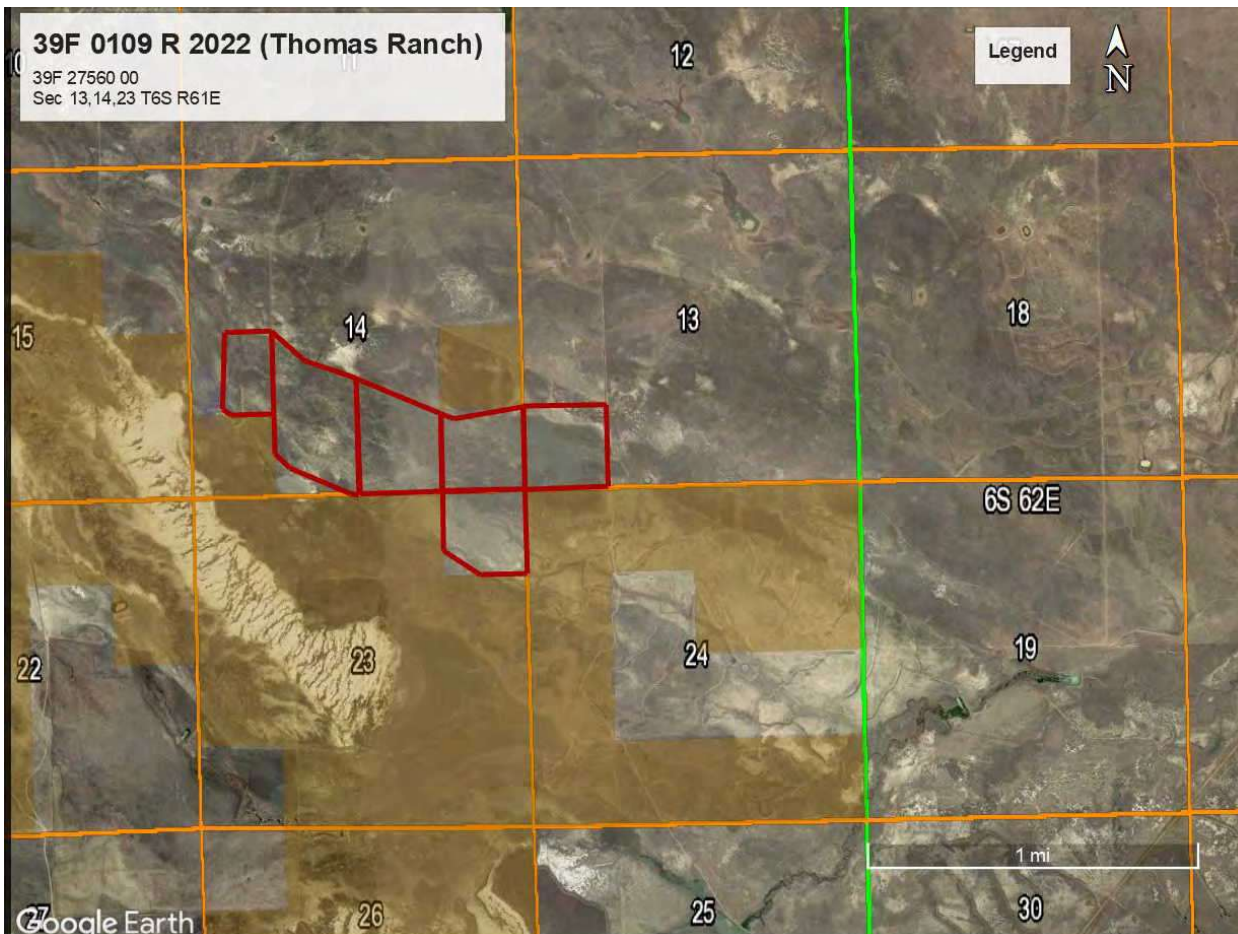


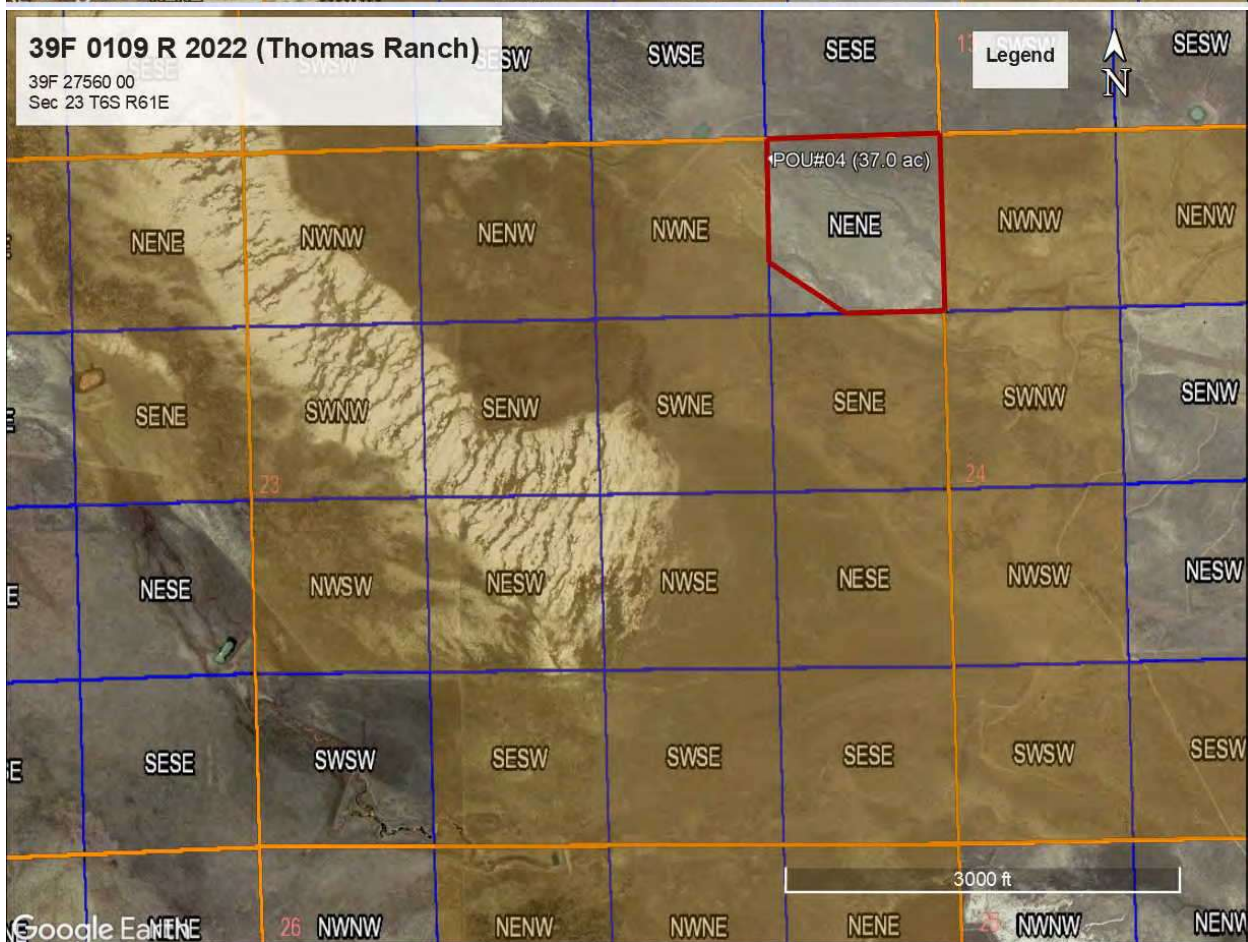
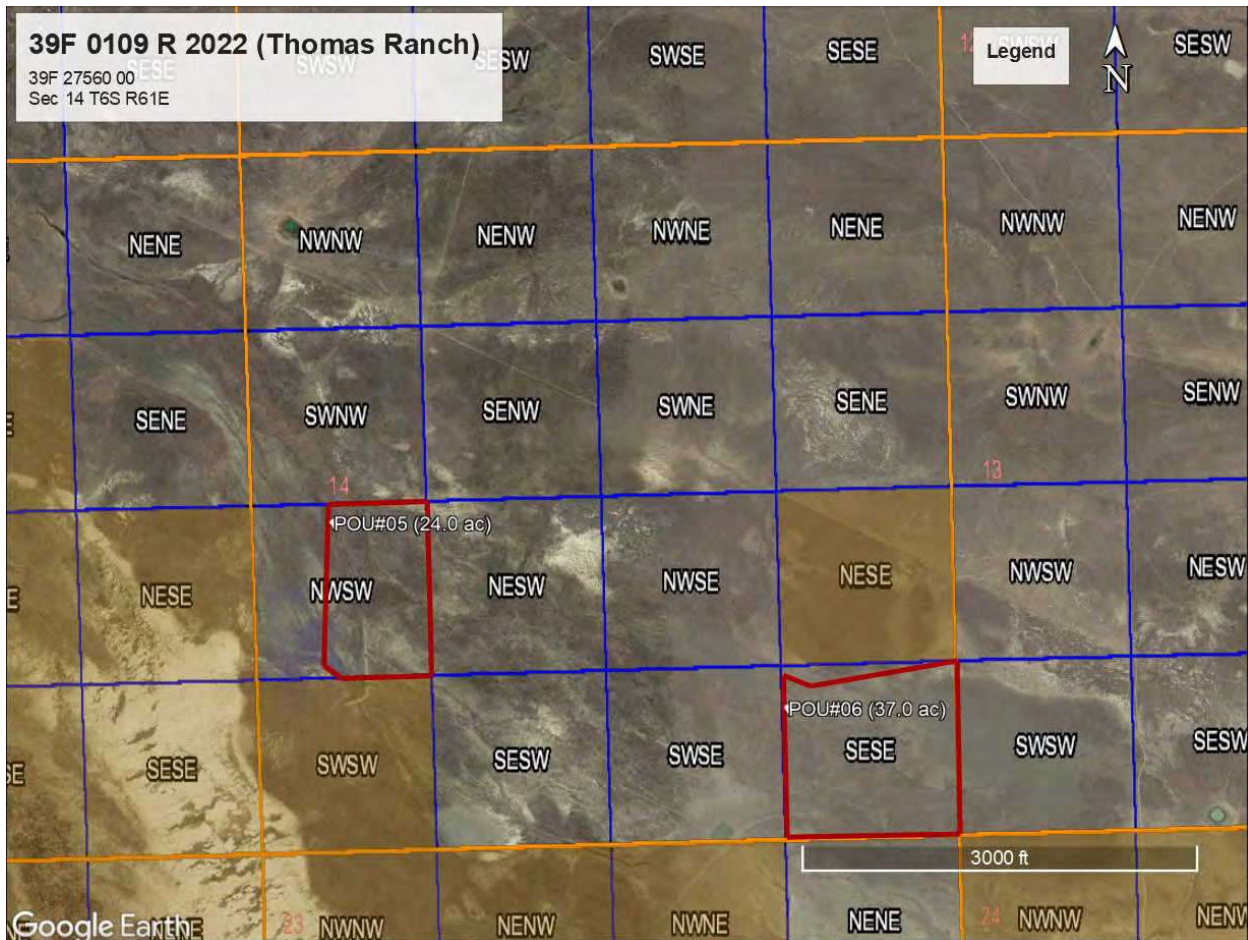


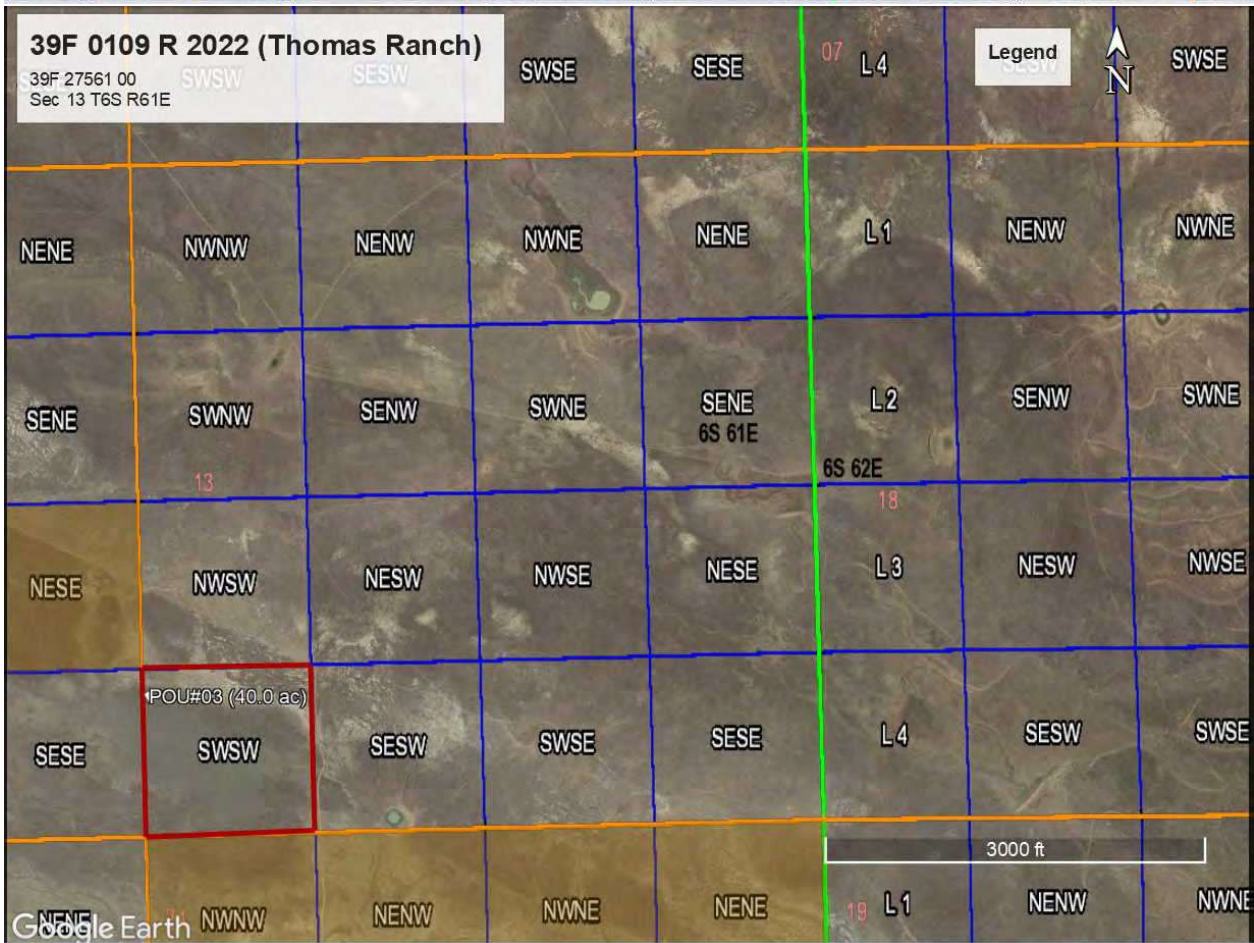
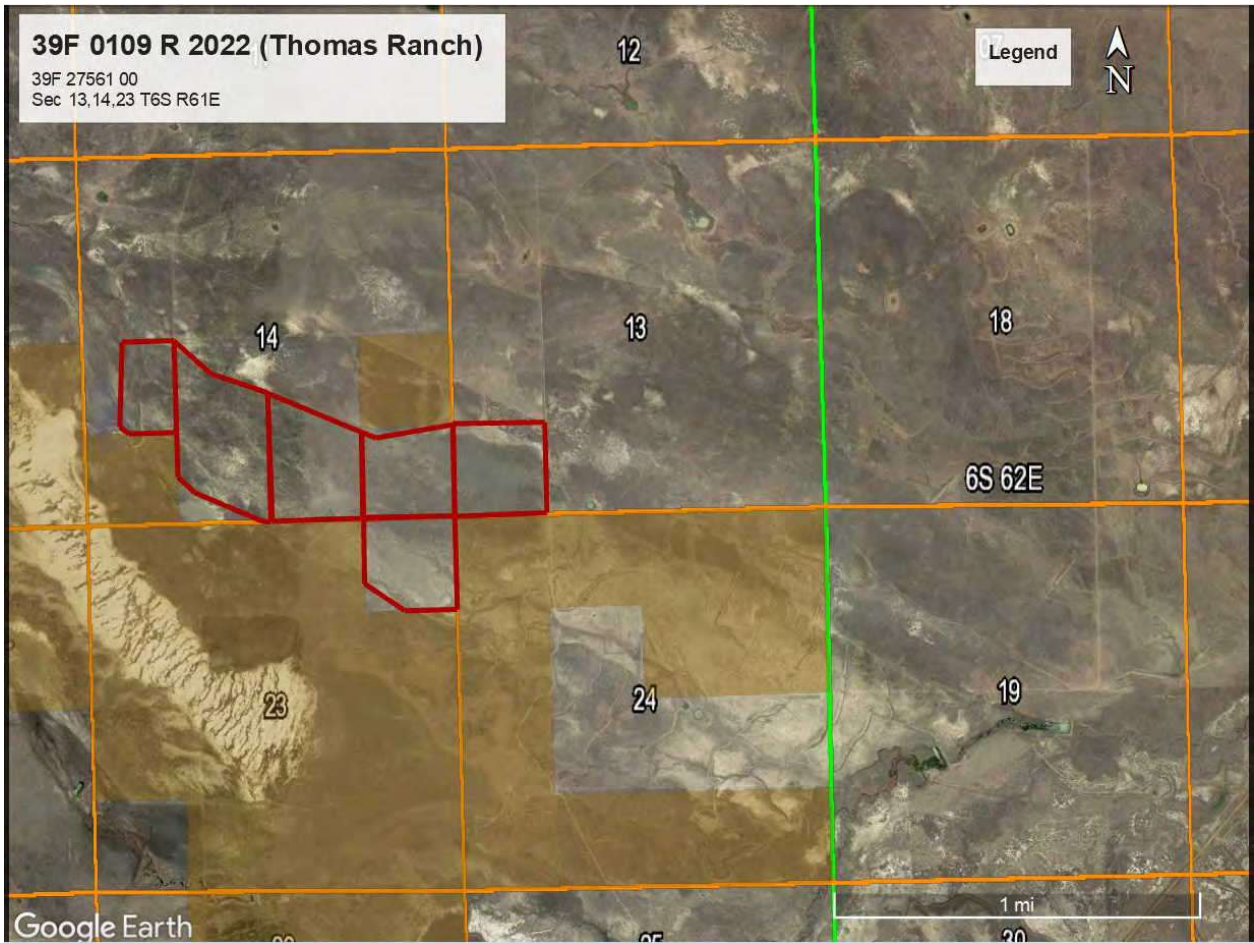


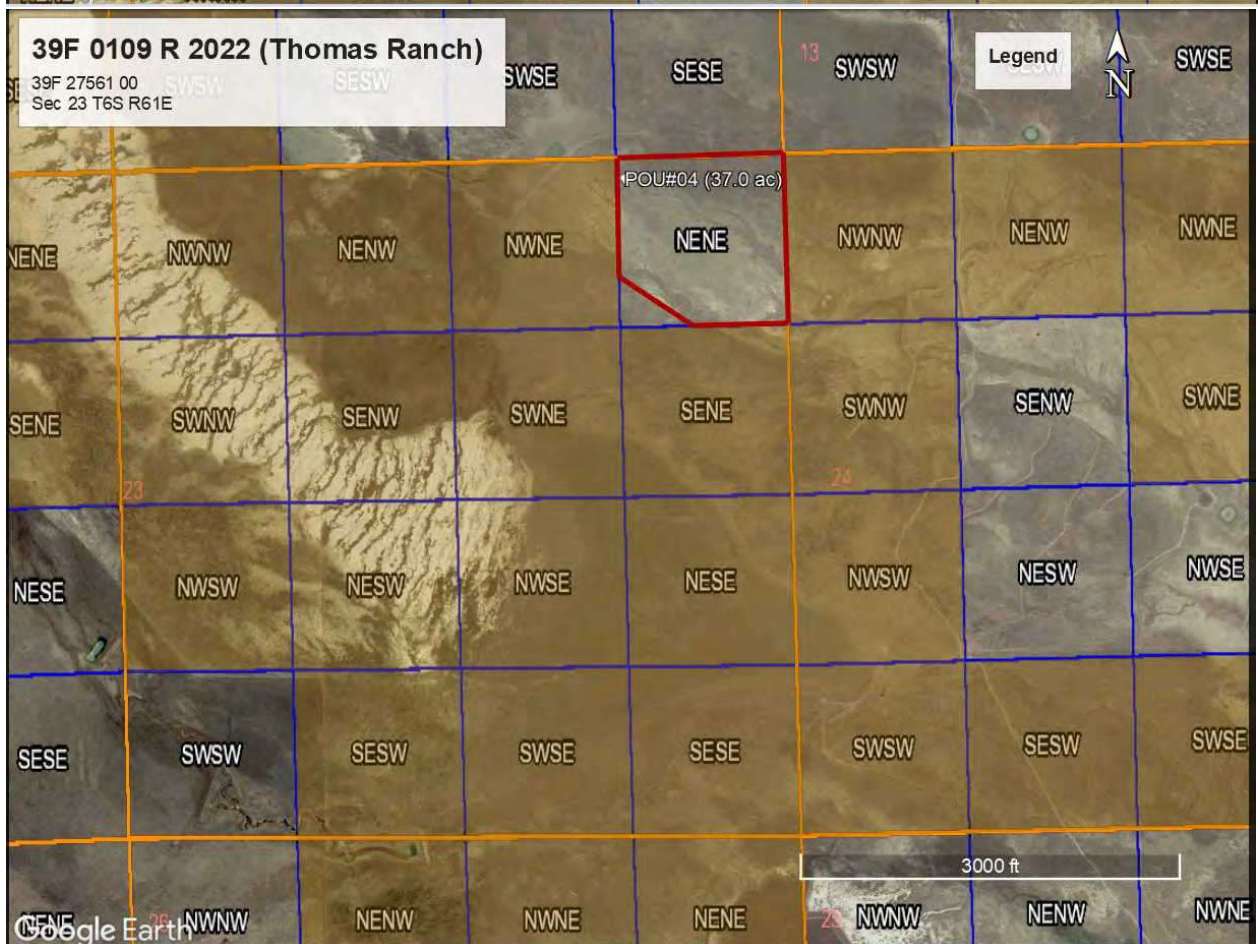
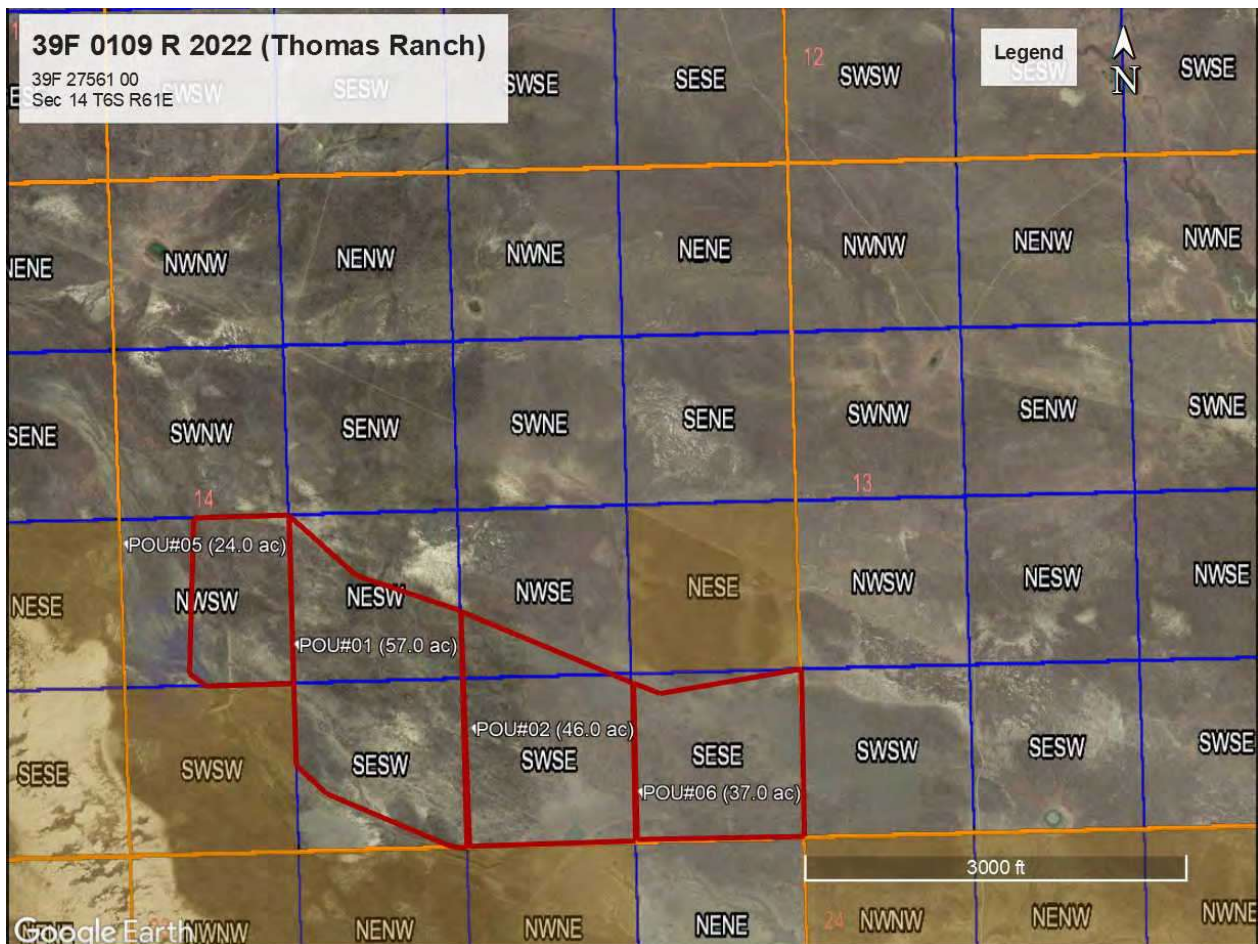


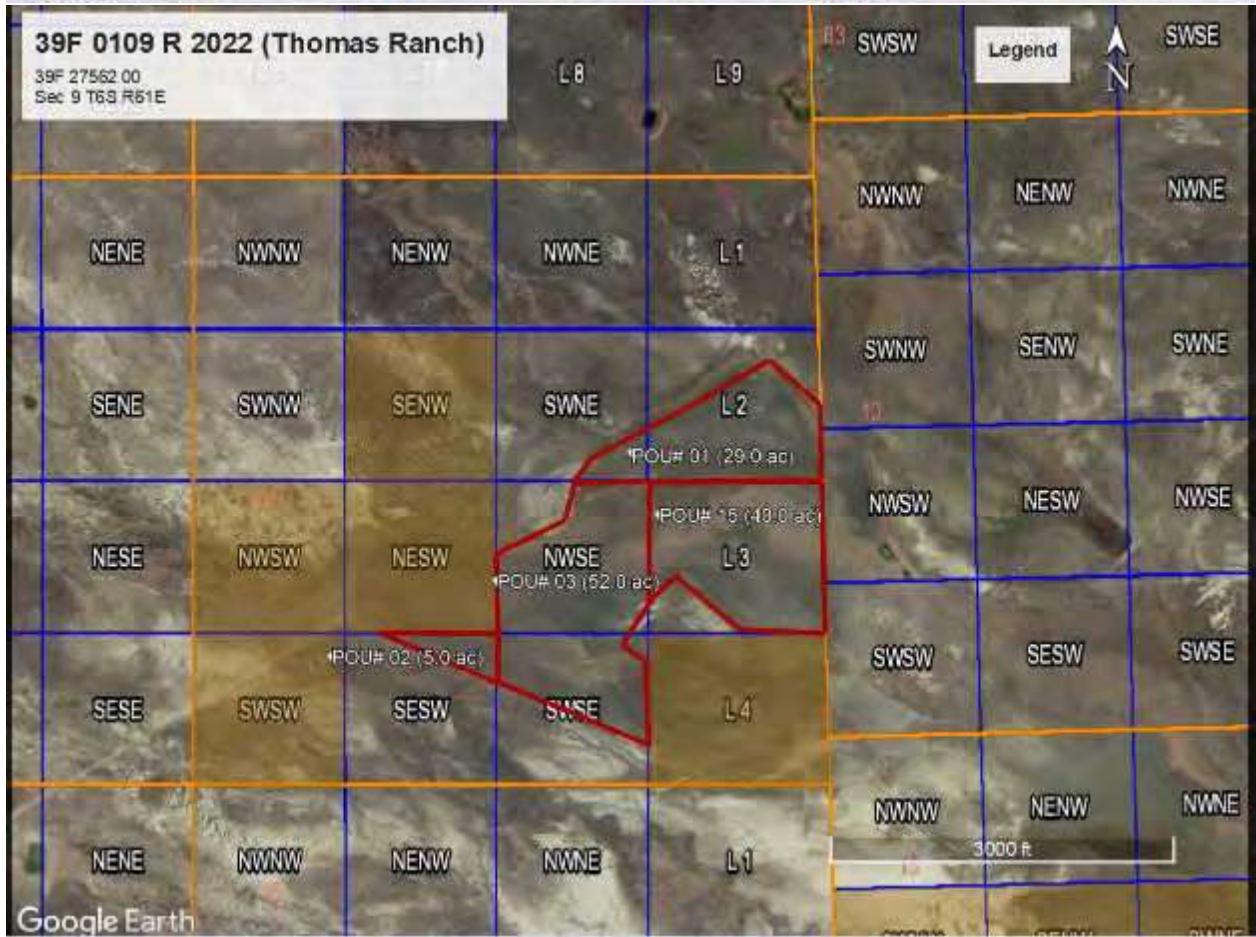
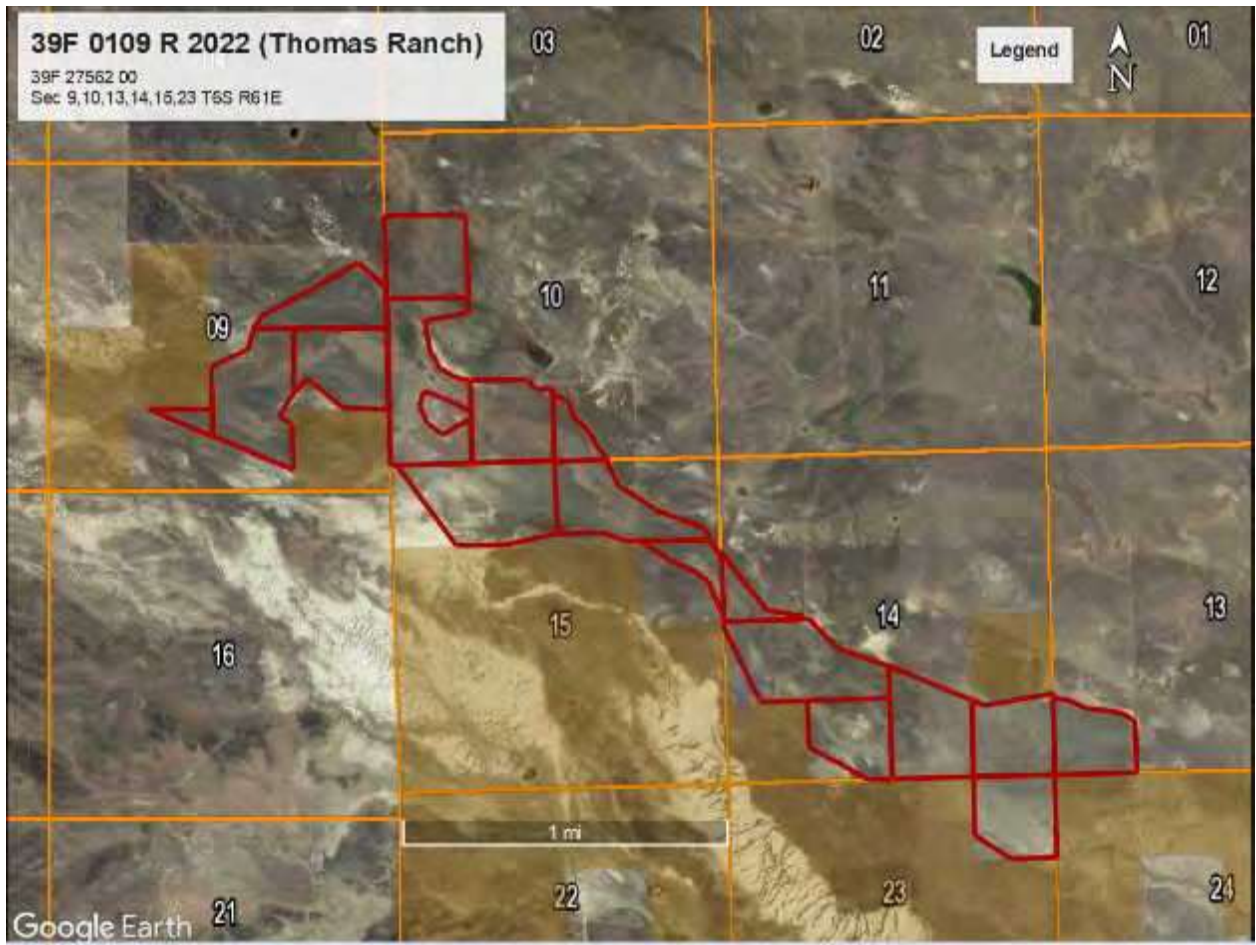


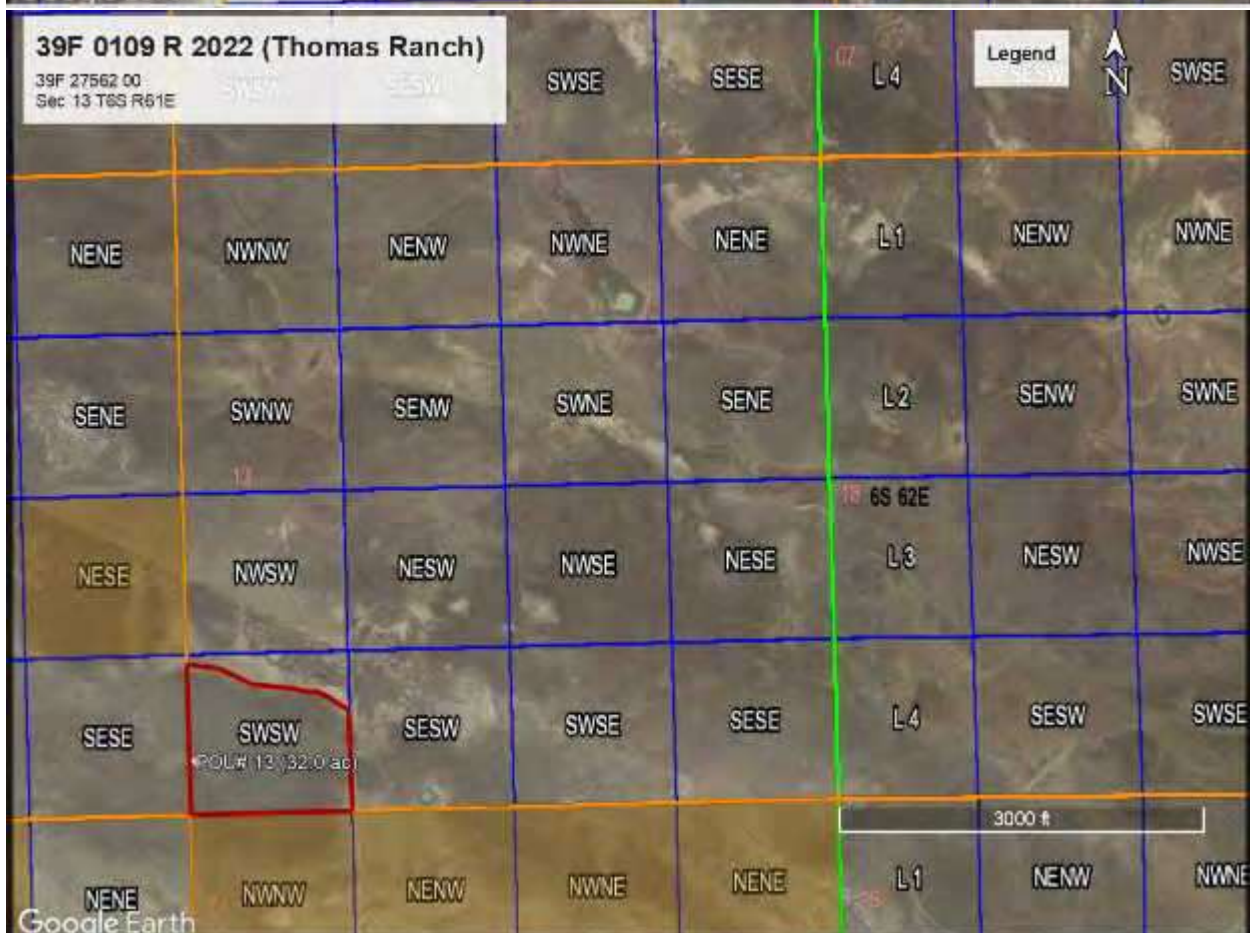
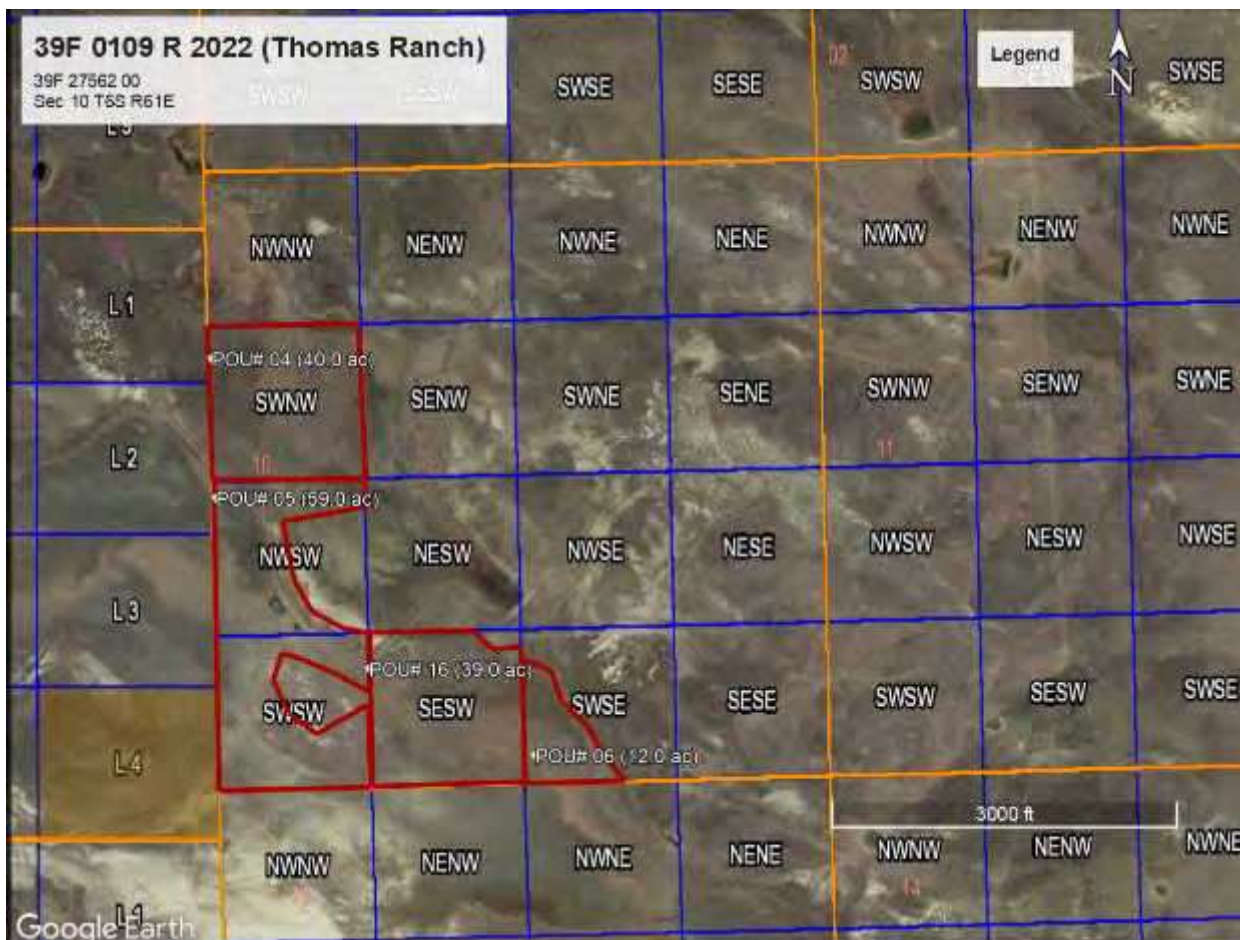


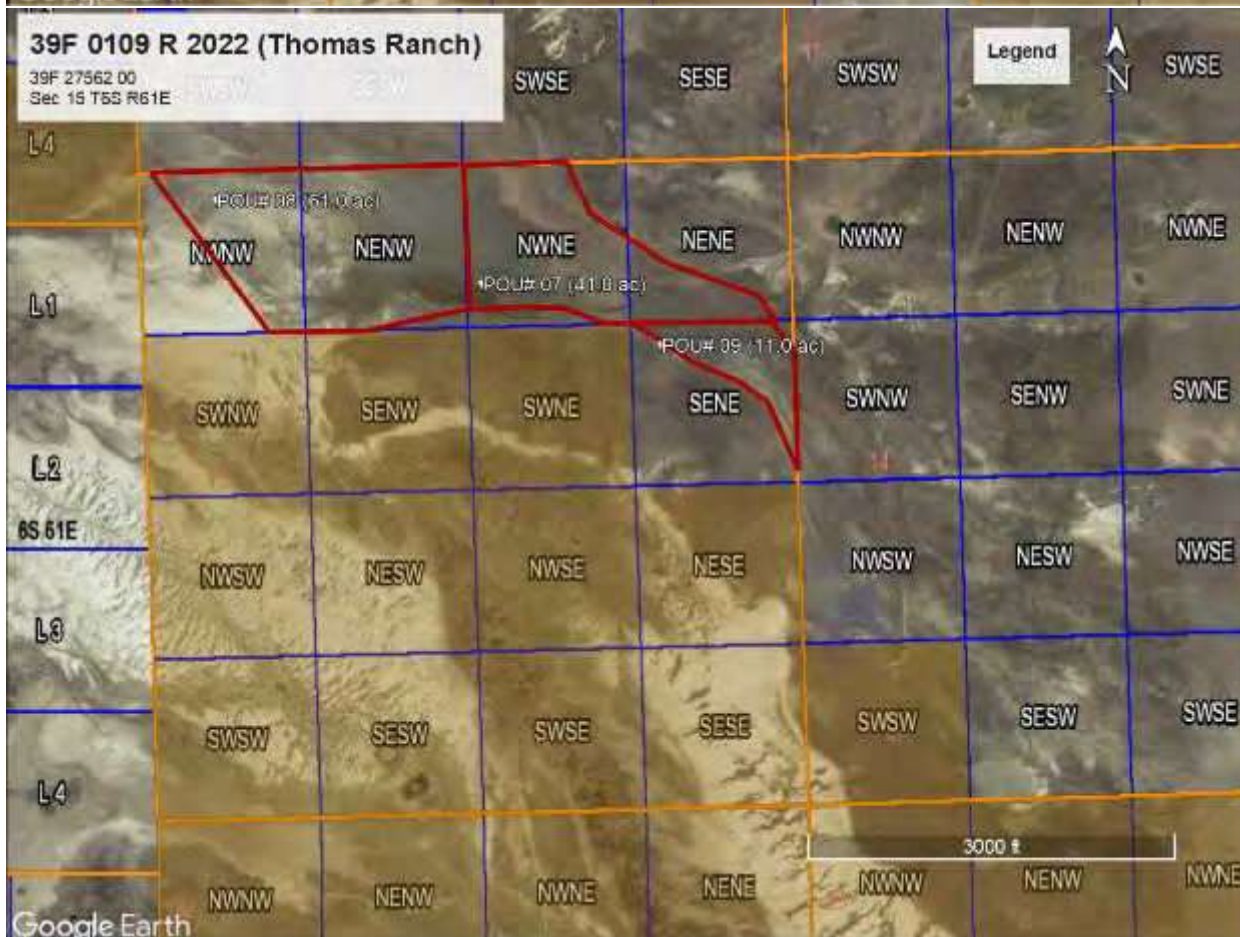
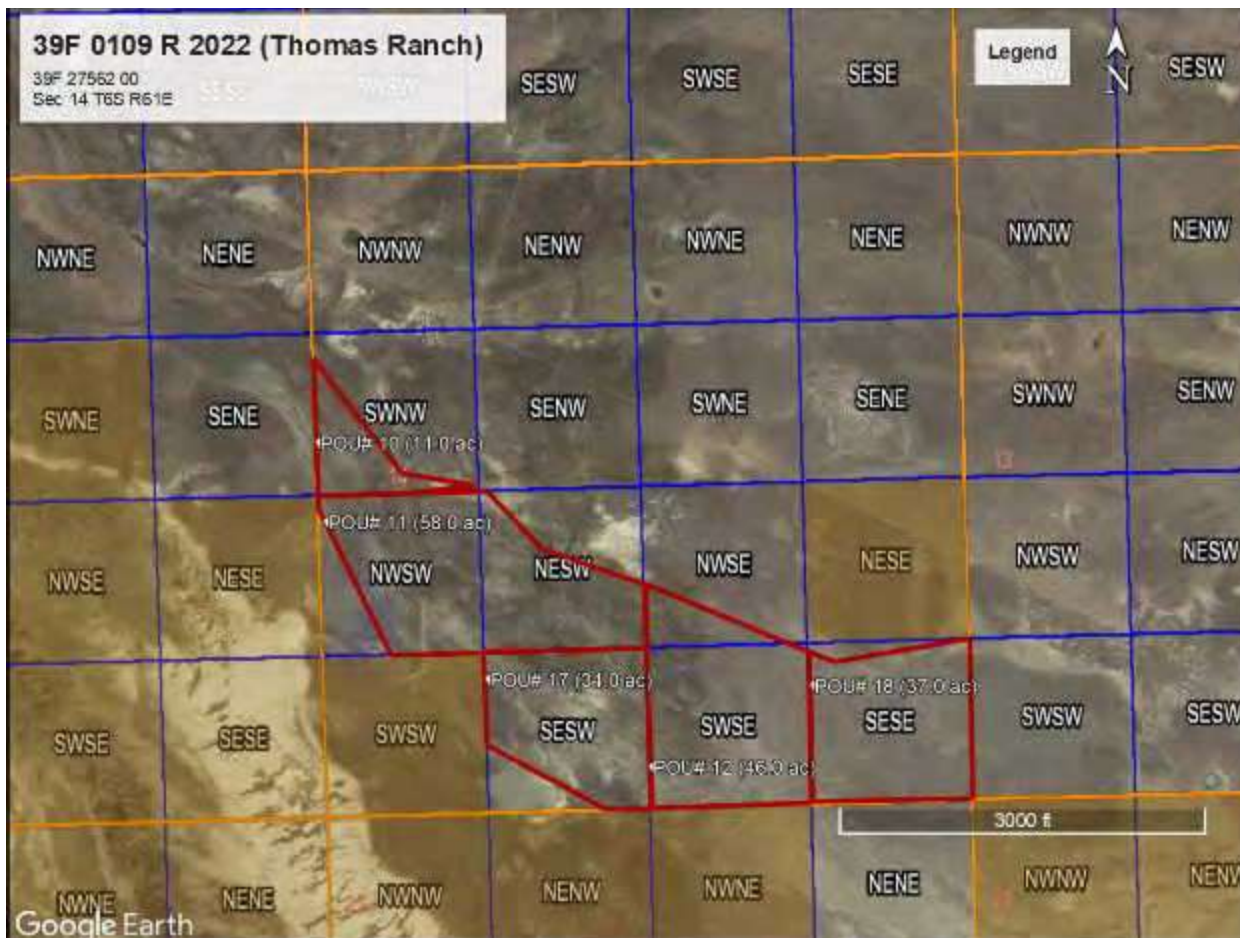












39F 27562 00
Sec 23 T6S R61E

39F 27562 00
Sec 23 T6S R61E

Legend

FOU# 14 (34.0 ac)

3000 1

NWNE
Google Earth

